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Thursday, April 27, 1961
Vaisakha 7, 1883 (Saka)

LOK SABHA DEBATES

(Thirteenth Session)

(Vol. LV contains Nos. 51 - 61)

LOK SABHA SECRETARIAT
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N.B.—The Sign + marked above the name of a Member on Questions which were orally answered indicates that the Question was actually asked on the floor of the House by that Member.

LOK SABHA

Thursday, April 27, 1961/Vaisakha 7, 1883 (Saka).

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: Questions; Shri Ram Krishan Gupta.

Shri Tangamani: In the Correction slip we find his name deleted. How is he being called first?

Petro-Chemical Project

\+

*1754. **Shri Ram Krishan Gupta:**
Shri Kodiyan:
Shri Assar:
Shri Vajpayee:
Shri Rameshwar Tantia:
Shri N. M. Deb:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 1525 on the 8th December, 1960 and state:

(a) whether Government have considered proposals for setting up a pertro-chemical project for manufacture of basic petro-chemicals; and

(b) if so, the result thereof?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Some proposals for the manufacture of chemicals based on the use of petroleum fractions and gases as raw materials have been approved. Some are still under consideration.

Shri Ram Krishan Gupta: May I know what are the details of the proposals, with special reference to their location, capacity and foreign collaboration which have been approved of so far?

Shri Manubhai Shah: This cannot be a part of the Question Hour,—to give all this information of a wide nature. But broadly speaking, for utilisation of Naharkotiya gas we have licensed four units, one for the manufacture of polythelene, another for specialised type of synthetic rubber, the third for carbon black and the fourth for petroleum coke.

Shri Ram Krishan Gupta: May I know whether any of these proposals is going to be implemented within the Third Five Year Plan?

Shri Manubhai Shah: All, during the Third Five Year Plan.

Shri Narayanankutty Menon: May I know whether the proposed plant for the manufacture of petrol chemicals are exclusively in the public sector or negotiations are going with any private company.

Shri Manubhai Shah: The public sector is always free and welcome to take them up as and when they can. These schemes are in the private sector.

Dr. Vijaya Ananda: May I know whether such a factory would be established at the Vizagapatnam refinery?

Shri Manubhai Shah: It all depends. No proposals have yet been received. But we would always welcome any proposals made to us.

Pattern of Central Assistance to States

+

*1755. { **Shri Damani:** **Shri Vidya Charan Shukla:** **Shri Pahadia:**

Will the Minister of **Planning** be pleased to refer to the reply given to Starred Question No. 467 on the 25th November, 1960 and state:

(a) what are the salient features of the suggestions received from State Governments regarding the patterns and procedure concerning Central assistance to States towards the expenditure incurred in the Five Year Plans;

(b) whether consideration of these suggestions has been completed; and

(c) if so, the results thereof?

The Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra): (a) The suggestions made by the States mainly relate to release of assistance and adjustments in expenditure from one sector to the other.

(b) and (c). Proposals regarding patterns and procedures for central assistance will be shortly finalised. A statement on the conclusion reached will be laid on the Table of the House in due course.

Shri Damani: May I know whether any revision of the pattern of assistance with a view to making it simpler has been considered by the Planning Commission?

Shri L. N. Mishra: Of course, it has been considered by the Planning Commission in consultation with the State Governments and it is almost in the stage of finalisation.

Shri Damani: May I know the measures taken by the Planning Commission so that the States may rely less on Central assistance and raise their own resources for the Plan?

Shri L. N. Mishra: That was not the purpose. The question was about the simplification of the pattern of Central assistance to the States, so that delays could be avoided and shortfalls eliminated. That was the purpose and with that end in view it has been considered.

Shri C. R. Pattabhi Raman: May I know whether transfer would be permitted from one head of expenditure to another head?

Shri L. N. Mishra: That is already there. The States can transfer from one head to another with the concurrence of the Planning Commission.

Dr. Vijaya Ananda: May I know whether Government have received any proposals from the Andhra Government with regard to this matter?

Shri L. N. Mishra: All the Governments have written to us except the States of Bihar.

Shri Basappa: May I know whether the pattern of Central assistance would depend upon the internal resources raised by each State and whether all the States have raised proportionate resources in order to get Central assistance?

Shri L. N. Mishra: That is a different question. The basis on which Central assistance has been given has already been finalised and in the Third Five Year Plan this has been taken into consideration.

श्री भक्त दर्शन : क्या यह सत्य है कि उत्तर प्रदेश सरकार ने यह सुझाव दिया है कि सहायता देते समय राज्यों की जनसंख्या का भी खयाल रखा जाय ? यदि हां, तो इसके बारे में क्या कोई निर्णय किया गया है ?

श्री ल० ना० मिश्र : जी हां; यह सुझाव दिया था कि इसका भी खयाल रखा जाय लेकिन केवल जनसंख्या के आधार पर सहायता नहीं दी जाती ।

श्री विभूति मिश्र : मैं जानना चाहता हूं कि क्या ऐसा भी है कि जो बैकवर्ड स्टेट्स हैं, यानी जहां इंडस्ट्रीज कम लगी हुई हैं और

जहां ज्यादा गरीबी है, उन राज्यों को सेंटर और स्टेट्स की अपेक्षा ज्यादा सहायता देगा ?

श्री ल० ना० मिश्र : जी हां, इस बात से भी उनको हक हो जाता है कि जो पिछड़े गए हैं उनको ज्यादा मदद दी जाय् ।

Shri Braj Raj Singh: May I know whether the attention of Government has been drawn to the procedures which take a long time and cause delays, and sometimes sanctions are received at the end of the year with the result that they cannot be utilised?

Shri L. N. Mishra: That is so. Complaints were there that there was delay in getting sanctions. Therefore all these attempts have been made. We were trying some simplications from the year 1958-59. It is believed that such delays will be avoided completely.

Shri Tyagi: Will the States be given loans or outright grants? Particularly in regard to schemes falling under transferred subjects will these amounts be treated as loans or grants?

Shri L. N. Mishra: We are giving grants, loans and also sometimes subsidies. So far as the question of assistance to schemes under transferred subjects, is concerned, it is not the idea that simply because it is a transferred subject it should not get grants.

Shri Ramanathan Chettiar: May I know whether such of those States which have ben able to spend more than 75 or even in certain cases nearly the entire target will have better consideration in the hands of the Planning Commission than those States which have not been able to spend even 50 per cent. of the amount allotted?

Shri L. N. Mishra: Performance was one of the considerations.

Shri Tyagi: Will the capacity to repay will also be taken into consideration?

डाक तथा तार विभाग का भवन-निर्माण कार्य

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*१७५६. {**श्री भक्त दर्शन** :
श्री पांगरकर :

क्या **निर्माण, आवास और संभरण** मंत्री १७ नवम्बर, १९६० के तारांकित प्रश्न संख्या १७२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) डाक-तार विभाग के भवन-निर्माण के लिये केन्द्रीय लोक निर्माण विभाग की एक विशेष शाखा स्थापित करने का जो निश्चय किया गया था, उसे कार्यान्वित करने की दिशा में अब तक क्या प्रगति हुई है; और

(ख) इस नई व्यवस्था से डाक-तार विभाग के भवन-निर्माण कार्यक्रम में कहां तक तेजी आई है ?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) The P. & T. wing in the Central Public Works Department headed by an Additional Chief Engineer was formed with effect from 15th November, 1960. The Additional Chief Engineer is assisted in the execution of works by four Civil Divisions located at Delhi, Bombay, Madras and Calcutta, one Electrical Division at Delhi and one Planning Division. The Civil Divisions at Bombay, Delhi and Calcutta have started functioning. The Civil Division at Madras and the Electrical Division at Delhi will commence functioning shortly. The orders for the posting of Executive Engineers for these Divisions have been issued.

(b) It is rather early to assess the improvements effected consequent on the formation of the P. & T. wing. Since its formation, arrangements have been made for smooth transfer of works from the present units to the new Wing. In another two or three months all the works of the P. & T. Department will be taken over by the new wing.

श्री भक्त दर्शन : क्या गवर्नमेंट के ध्यान में यह बात आयी है कि यद्यपि नवम्बर में यह निर्णय हो चुका था लेकिन अभी तक इसको पूरी तरह से लागू नहीं किया गया है और इसकी वजह से जो काम कि पहले से रुके पड़े थे वह और भी रुक गये हैं । अतः क्या इस सम्बन्ध में कोई शीघ्रता की जायेगी ?

Shri Anil K. Chanda: I have already said in my answer that of the five Divisions, three have already been manned; postings have already been ordered for the other two. The work that was being done is being continued by the existing people because half-way through construction, it would not be desirable to change the officers concerned. But the whole wing will get going in no time.

Shri Inder J. Malhotra: Will the construction work be done directly by this Division, or will it be done through the contractors?

Shri Anil K. Chanda: Mostly all construction work is done at present by contractors.

Shri Tangamani: The hon. Deputy Minister stated that the Madras Division is yet to function. I would like to know by what time the Division will start functioning, whether the arrears of work accumulated from 1956 onwards will be taken up and, if so, what is the type of work which is being given to the Madras Division, because there is so much of arrears in Madras?

Shri Anil K. Chanda: So far as Madras Division is concerned, orders posting the Executive Engineer have already been issued. There are four Sub-divisions. They are already working, but under the normal CPWD organisation.

Shri B. K. Gaikwad: May I know the number of employees in the P. & T. Department who have not been provided with houses and the number of quarters which have been constructed?

Shri Anil K. Chanda: So far as the residential accommodation of the workers is concerned it is a matter for the Communications Ministry; we are only the building agents.

Shri Yadav Narayan Jadhav: May I know how many building projects are pending with this Section in different divisions?

Shri Anil K. Chanda: That is really an impossible proposition to find out. There will be hundreds of them in the whole country.

Shri Basappa: In the course of a previous answer the hon. Minister said they are finishing from Rs. 1 crore to Rs. 2 crores of works. May I know whether in this year they are going to finish the work to the extent of Rs. 2 crores as he stated previously?

Shri Anil K. Chanda: In a previous answer I have said during the past few years, on an average, the works done for Posts and Telegraphs have been to the extent of one crore of rupees. In the Third Plan, the Department proposes to construct at the rate of two crore of rupees to start with gradually mounting up to six crores of rupees at the end of the Plan period. I am sure that with the new Wing that has been started, they will be able to cope with this work.

श्री भक्त दर्शन : क्या यह सत्य है कि डाक तार विभाग ने यह राय दी है कि इन चार एक्जीक्यूटिव इंजीनियस से पूरा काम नहीं हो सकेगा और इसलिए प्रत्येक सर्किल में और कम से कम बड़े सर्किल्स में जैसे कि उत्तर प्रदेश के सर्किल में जहां कि सैंकड़ों मकान बनाये जाने हैं, एक एक एक्जीक्यूटिव इंजीनियर रखा जाय; और मैं जानना चाहता हूं कि क्या इस बारे में कोई विचार किया जा रहा है ?

Shri Anil K. Chanda: The personnel of this Wing has been decided upon in consulation with the high ranking officers of the P. & T. Department, and I think they were aware of the requirements, and they have posted the requisite number of people.

Shri S. C. Samanta: May I know whether the staff that is being appointed under each Executive Engineer will suffice for the amount of work that is in arrears and for the new works?

Shri Anil K. Chanda: I have already answered that it is assumed that this staff will do.

Transistor Radios

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*1757. **Shri D. C. Sharma:**
Shri Pangarkar:
Shri Aurobindo Ghosal:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 459 on the 25th November, 1960 and state at what stage is the proposal to manufacture transistor radios in our country?

The Minister of Industry (Shri Manubhai Shah): Most of the radio manufacturers have already commenced production of transistor radios. The total number of transistor radios produced during the last part of 1960 is of the order of 9,000. A target of 100,000 transistor sets has been fixed for 1961.

Shri D. C. Sharma: May I know how this target of one lakh transistor sets will be completed in 1961 when only a few thousands have been manufactured during 1960?

Shri Manubhai Shah: This programme began only in the middle of last year. Then they had to import the plant and machinery. And it represents the production only of the last one or one and a half months. So it will easily reach the figure of one lakh during the twelve months of 1961.

Shri Ram Krishan Gupta: May I know the price of the transistor sets which have been manufactured so far?

Shri Manubhai Shah: They are of different prices and of different manufacturers. This is not part of the manufacture of cheap radio sets costing between Rs. 125 to Rs. 150. That is a diffeffrent project altogether.

Shri D. C. Sharma: May I know if the quality of these transistor sets has been examined and, if so, whether it has been found to be as good as that of the transistor sets from other countries?

Shri Manubhai Shah: Yes, Sir.

Shri Ansar Harvani: Is there any proposal to produce these transistor sets from Bharat Electronics?

Shri Manubhai Shah: Not transistor radio sets; but transistors, apart from transistorised radio sets, may be manufactured in Bharat Electronics.

Shri Birendra Bahadur Singhji: May I know whether Jankar transistor radio set has been manufactured in India?

Shri Manubhai Shah: There are hundreds of brands.

Shri Birendra Bahadur Singhji: Jhankar is an Indian transistor radio set. It is sold in the market.

Shri Manubhai Shah: It is one of them.

Shri Thimmaiah: I was told that a licence was given to Remco for manufacturing these transistor sets. May I know whether the radios have been manufactured?

Shri Manubhai Shah: There is no separate licence. We have simplified the procedure under the Act and said that any manufacturer of radio can manufacture up to fifty per cent. of his capacity as transistorised radio sets.

Mr. Speaker: We will go to the next question. It is very important.

Broadcasting Facilities to Political Parties for Election Propaganda

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*1758. **Shri Rameshwar Tantia:**
Shri Hem Barua:
Shri A. K. Gopalan:
Shri Bibhuti Mishra:

Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the Chief Election Commissioner has advised Government

that All India Rado should provide broadcasting facilities for election propaganda to recognised political parties;

(b) if so, the details thereof; and

(c) Government's reaction thereto?

The Parliamentary Secretary to the Minister of Information and Broadcasting (Shri A. C. Joshi): (a) to (c). The Election Commission have intimated that an informal discussion that they had with spokesmen of various political parties in Parliament on 18th February, the parties represented did not favour the suggestion of giving broadcasting facilities to any party recognised or otherwise.

The Commission have drawn attention to the press release issued by them which represents the considered view of the informal meeting, which says "the groups represented did not favour the suggestion of giving broadcasting facilities to any party recognised or otherwise. Nor did they want the question to be reopened with the Ministry of Information and Broadcasting."

Shri Rameshwar Tantia: May I know whether any advice was taken from the States and, if so, what was their reaction to this?

Shri A. C. Joshi: I do not think any advice was sought from the States.

श्री बभूति मिश्र : मैं मंत्री महोदय से यह जानना चाहता हूं कि उस कान्फ्रेंस में किस किस पार्टी के लोग आये थे और उनकी इस बारे में क्या क्या राय है ?

श्री आ० चं० जोशी : विभिन्न राजनीतिक दलों की जो इस बारे में राय थी वह मैं ने मुख्य प्रश्न के उत्तर में बतला दी । इस सम्मेलन में जिन जिन पार्टियों ने भाग लिया उनके नाम इस प्रकार हैं : कांग्रेस, पी० एस० पी०, कम्युनिस्ट, यूनाइटेड प्रोग्रेसिव, सोशलिस्ट्स, रिपब्लिकन, गणतंत्र परिषद, हिन्दू महासभा व स्वतंत्र पार्टी ।

श्री विभूति मिश्र : जबकि और देशों में पोलिटिकल पार्टीज को अपना चुनाव प्रचार करने के वास्ते यह ब्राडकास्टिंग की सहूलियत मिलती है तो क्या यहां की किसी पार्टी ने भी इसकी सहूलियत लेनी नहीं चाही ?

श्री आ० चं० जोशी : एलेक्शन कमिशन ने बतलाया है कि यहां की राजनीतिक पार्टियां चुनाव प्रचार के वास्ते ब्राडकास्टिंग की फैसेलेटीज नहीं चाहती हैं और इसलिए वह प्रश्न ही नहीं उठता है ।

Shri Hem Barua: In spite of the fact that the political parties have not asked for any facilities of broadcasting on the radio for election purposes, may I know whether Government themselves are ready—they need not force it on them—but whether they are themselves ready to have a broad outline of the plan for broadcasting, if some of the political parties change their opinion in the meanwhile?

Mr. Speaker: It is a hypothetical question.

Shri Kalika Singh: When the Swatantra Party has not been recognised by the Election Commission, how did they participate in that conference about election propaganda?

Shri Ansar Harvani: The hon. the Parliamentary Secretary said that the various political parties were against this. May I know which was the political party which was against the suggestion of broadcasting on the radio?

Shri A. C. Joshi: The discussions took place with the Election Commission and not with the Ministry of Information and Broadcasting. We know only the view of the Election Commission.

Shri Narayanankutty Menon: May I know whether it is a fact that the parties represented at this conference rejected the proposal because they felt that the entire time is monopolised by one particular political party and the time given to other political parties is so contemptuous?

Shri Tyagi: The experiment has not yet been tried. How can he say so?

Mr. Speaker: The upshot is that the political parties do not want this.

Nagaland

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*1760. { **Shri D. C. Sharma:** **Shri Kalika Singh:**

Will the **Prime Minister** be pleased to state:

(a) whether the Advisory Council has been formed for the new Nagaland State;

(b) whether any tribe or any group other than Naga National Council has opposed such formation;

(c) if so, the name of the tribe or group and the reasons for opposition; and

(d) how far the opposition of the tribe or group has affected the maintenance of law and order in Naga Hills and Tuensang Area?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) The interim arrangements for Nagaland have been brought into force. The Interim Body was sworn in on the 18th February, 1961. The Executive Council consisting of five Councillors was sworn on 16th March, 1961.

(b) and (c). No tribe as such has opposed the interim arrangements. All of them have elected their representatives to the Interim Body. The hostiles and their sympathisers are, however, opposed to the new set-up. Their aim is to sabotage its working and keep alive the hostile movement.

(d) There has been an increase in the hostile activities after the understanding reached at Delhi. The villagers have, however, generally withstood the hostile propaganda and threats. The situation is steadily improving.

Shri D. C. Sharma: May I know what subjects are in the charge of the Executive Council of five which has been elected?

Shrimati Lakshmi Menon: A number of subjects dealing with matters of administration involving general policy and schemes of development; also to assist and advise the Governor in the administration of Nagaland.

Shri D. C. Sharma: May I know the constitutional position of the Governor *vis-a-vis* this interim body and the executive committee, and whether any meetings have so far been held by both these bodies with the Governor?

Shrimati Lakshmi Menon: The Governor is in overall charge of the whole administration. The whole thing is given in the Nagaland (Transitional Provisions) Regulation, 1961, (No. 2 of 1961), which was placed on the Table of the House.

Shri Kalika Singh: May I know for how long Nagaland will remain in the charge of the Ministry of External Affairs, because it should be in the charge of the Home Ministry, since it is a part of the Assam State?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): This question has not arisen. There is no date fixed for any change, nor has it been decided whether there will be any change. It is not the desire of the Ministry of External Affairs to continue to be in charge of it, but it was a particular desire of the Naga representatives that this old arrangement should continue. That is why we have acceded to it.

Shri Nath Pai: The desire was that the Prime Minister should handle, that the particular individual, namely, he, should handle it, and not the Ministry, because it leads to some different impressions, I think we are fair in suggesting that what the Nagas wanted was that the present Prime Minister of India should be personally handling their affairs, and not the Ministry.

Shri Jawaharlal Nehru: I do not think that the hon. Member is quite

correct. They did not mention this specifically; that might have been in their minds, but what they actually wrote was that the Ministry should handle it; they did not even mention the Prime Minister.

Shri Hem Barua: In view of the fact that the Deputy Minister has said that the Naga hostiles have opposed this new Nagaland, may I know whether the attention of Government has been drawn to a statement made by Dr. Imkonglibo Ao to the effect that if the Naga hostiles wanted a battel, that battle would be given, and if so, whether this reflects the opinion or the policy of the Government of India?

Shri Jawaharlal Nehru: I do not remember having seen that particular statement of Dr. Ao, nor do I understand what is meant by 'giving a battle'. We are opposing the hostiles, of course; there may be major conflicts or minor ones. I do not know whether Dr. Ao meant some kind of political battle or military battle.

Shri Hem Barua: In view of the fact that this Nagaland is a political settlement with a section of the Naga people, may I know what steps Government have taken or those who are behind this Nagaland, that is, the authorities of the Nagaland State, have taken so far to win the Naga hostiles to this political settlement?

Shri Jawaharlal Nehru: How am I to detail the steps? In the main, the whole Naga question has been both a political and a military question in the last few years. So far as the political aspect is concerned, the agreement arrived at represented in a sense a settlement of that political aspect for those people with whom it was settled. Some people did not agree; that is true, but, broadly, there the political aspect ends, excepting in so far as we shall try to get more and more co-operative endeavour to work it out. The other is the military aspect. Now, the Nagas who have agreed to this and who are working this, no doubt, are interested in winning over the other people there, and they are doing it.

Shark Liver Oil Factory

*1761. **Shri Aurobindo Ghosal:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any shark liver oil factory in India; and

(b) if so, where and what is the output per year?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Yes, Sir. The main factories producing pharmaceutical grade shark liver oil are at Bombay, Kozhikode and Trivandrum. The combined average annual output is about 48,000 gallons.

Shri Aurobindo Ghosal: May I know the actual demand of our country, and how much foreign exchange we spend for importing it?

Shri Manubhai Shah: Practically, we are not importing anything, excepting various specialised formulations; otherwise, the country is self-sufficient.

Shri Narayanankutty Menon: May I know whether it is a fact that the two shark liver oil factories in the State of Kerala, to which the hon. Minister was pleased to make a reference, are handicapped because of lack of capital and also lack of facilities for selling the products outside, and if so, whether any help has been sought for by the Kerala Government from the Central Government, and if the answer be in the affirmative, whether the help has been given?

Shri Manubhai Shah: There was no handicap; it is a natural process of growth. The Kerala Government have included in the Third Plan a provision for expansion by Rs. 4 lakhs, and modernisation of their Calicut factory, in addition for a hydrogenation unit costing Rs. 15 lakhs.

Jalpaiguri-Bhutan Road

*1762. **Shri N. R. Ghosh:** Will the **Prime Minister** be pleased to state:

(a) whether there is an old route connecting the district of Jalpaiguri, West Bengal with Bhutan passing through the Chumurchi Tea Estate of Jalpaiguri;

(b) whether it is a fact that some time ago, the Bhutan Government wanted to make this route suitable for vehicular traffic and requested Government to improve and widen the portion of this route which falls within the district of Jalpaiguri; and

(c) if so, what steps have been taken in this direction?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) Yes, Sir.

(b) Yes, Sir.

(c) The request was referred to the Government of West Bengal in whose jurisdiction the road lies. They agreed to improve the road and to construct a permanent bridge suitable for vehicular traffic across the river Daina near Chengmari. Financial aid from the Government of India for these works is being considered under the Third Five Year Plan.

Shri N. R. Ghosh: May I know whether Government have got any programme to improve the large number of trade routes, bridle-paths and foot-paths which connect Bhutan with Jalpaiguri, because there is a good volume of business between Bhutan and West Bengal?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I do not know about the various small routes, but some principal roads are being constructed between Bhutan and India, on the Bengal side as well as on the Assam side: they will be the main arteries of traffic.

Shri N. R. Ghosh: I am referring to the large number of foot-paths and bridle-paths connecting Jalpaiguri and Bhutan, because Jalpaiguri is just on the border of Bhutan, and there is a good volume of business between Jalpaiguri and Bhutan.

Shri Jawaharlal Nehru: I have said that I do not know about the foot-paths. As to what is being done, I can enquire.

श्री भक्त दर्शन : क्या यह सत्य है कि भूटान को भारत से मिलाने के लिये पश्चिमी बंगाल और आसाम से दो तीन सड़कें बनाने की योजना कई बरसों से चल रही है और उन का निर्माण-कार्य अभी तक पूरा नहीं हुआ ? अत: क्या मैं जान सकता हूं कि उन में प्रगति क्यों नहीं हो रही है और क्या अब वह काम तेज़ी से होगा ? क्योंकि जहां तक मुझे ज्ञात है, उस की चाल बहुत धीमी है ।

श्री जवाहरलाल नेहरू : जी नहीं । मैं ने अभी इस का जवाब दिया है । कई बरसों से तो नहीं, लेकिन इस की चर्चा डेढ़, दो बरस से खास है और डेढ़, पौने दो बरस से यह बात शुरू की गई है । एक खास सड़क ने, जो कि राजधानी तक जाती है, बहुत तरक्की की है और वह बहुत तेज़ी से बनी है । जो वक्त उस के लिये दिया गया था, उस से कम वक्त में वह बनी है । मेरा ख्याल है कि सितम्बर तक वह पूरी हो जायगी और राजधानी तक पहुंच जायगी । और सड़कों के बनने का भी इन्तज़ाम हो रहा है ।

Activities of Naga Hostiles

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*1763. **Shrimati Mafida Ahmed:**
Shri Ram Krishan Gupta:
Shri Hem Barua:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that a gang of armed Naga hostiles fired on a village guard camp at Chankgi in Mokokchung District on the 28th March, 1961;

(b) whether it is also a fact that after exchange of fire with the village

guards, the hostiles overpowered them and snatched away 18 service rifles;

(c) if so what other casualties were suffered by village guards; and

(d) the steps taken or proposed to be taken for security measures in Nagaland?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) to (d). On the night of the 27th March 1961, the hostiles managed to approach the Village Guard Post at Changki in the Mokokchung District of Nagaland with the connivance of a Village Guard sentry who had been away from the Post for a few days and was on duty at that time.

The hostiles overpowered the other sentries and escaped along with the Village Guard who was in collusion with them and took away 18 Rifles and muskets.

Another Village Guard who was captured by the hostiles succeeded in returning to the Post but suffered a bullet shot injury on his hand while escaping from them.

The Nagaland Administration have tightened up the security arrangements and intensified patrolling and other measures to deal with the Naga hostiles. The Government is determined to put down lawlessness with a firm hand and restore peace in the area.

Shrimati Mafida Ahmed: In the light of the reply just given by the hon. Deputy Minister and the replies given to a previous question, it is evident that the village guards and sentries also occasionally collaborate with the hostiles. May I know what action has been taken against those collaborators, and whether Government will consider the question of disbanding the village guards?

Mr. Speaker: What was the latter part of the question?

Shrimati Mafida Ahmed: Is it not collaboration when the sentries connived, and they were out of duty at that time.

The Prime Minister and Minister of External Affairs Shri Jawaharlal Nehru): It is true that occasionally, rather rarely, such cases have happened, that is, the members of the village guards have colluded with the hostiles; and, naturally, when that happens, we take action against them, if we can get them. But I do not think that it will be a fair inference that the great majority of the village guards do this, or any substantial number of them; most of them have done very good work.

Shri Hem Barua: The village guards constitute one of the sources from which the Naga hostiles get their arms and ammunitions occasionally. On a previous occasion, the hon. Prime Minister was pleased to say that there were leakages from the Burma side, so far as arms and ammunitions were concerned. May I request the Prime Minister to enlighten us on the nature of these leakages from the Burma side?

Shri Jawaharlal Nehru: What does the hon. Member mean by leakage? It is human beings who leak through to Burma and then come there.

Shri Hem Barua: I am sorry I am misunderstood. On a previous occasion, when I put a definite question on supply of arms and ammunitions to the Naga hostiles, the Prime Minister was pleased to say that there were two sources. One was the source of the village guards, and another was through the leakages from the Burma side. I just want the Prime Minister to enlighten us on the nature of the leakages from the Burma side.

Mr. Speaker: This is a different question. We are concerned with the village guards, how far they are in league with the hostiles and so on.

Shri Tyagi: Do these village guards belong to the Assam Rifles or are they residents of the very villages and do they work as volunteer village guards or are they under regular employment.

Shri Jawaharlal Nehru: They do not belong to Assam. They belong to the Naga area; and the Naga Administration, I think, about three years ago or maybe a little more, enrolled them. They are paid; they are not honorary workers. They need not necessarily be kept in their own villages—but in the roundabout villages.

श्री ब्रज राजसिंह : इस प्रश्न का अभी जो उत्तर दिया गया है और इससे पहले एक प्रश्न का जो उत्तर दिया गया था उससे पता चलता है कि सरकार ने जो राजनीतिक, फौजी या पुलिस कारवाई की है, नागा समस्या को हल करने के लिए, उसका कोई संतोषजनक परिणाम नहीं निकला है । इसको देखते हुए क्या सरकार किसी ऐसे प्रस्ताव पर विचार कर रही है कि आचार्य विनोबा भावे या और किसी ऐसे ही प्रमुख हिन्दुस्तानी के नेतृत्व में कोई पीस मिशन इस स्थान पर भेजा जाये और उससे काम कराया जाये ताकि जिस तरह की सफलता मध्य प्रदेश, राजस्थान और उत्तर प्रदेश इत्यादि के दकैतग्रस्त क्षेत्रों में मिली है, उस तरह की सफलता यहां पर भी मिल सके ?

श्री जवाहरलाल नेहरू : जी नहीं ऐसा कोई प्रस्ताव नहीं आया है और मुझे खुद भी अच्छा मालूम नहीं देता कि आचार्य विनोबा भावे को इस तरह से एक्सप्लायट किया जाये । उनकी मदद तो हमको बहुत मिलती रहती है और उनका कहीं होना ही हमारे लिए मुफीद है ।

Shri Hem Barua: May I know whether Government propose to advise the Advisory Council of the new tate of Nagaland to raise a Naga militia of their own and tell them that our troops are there meant not to combat the hostiles but for defence purposes?

Shri Jawaharlal Nehru: The Village Guards are their militia. That is just what they are. It is a paid, semi-trained militia, not fully trained, not 100 per cent. trained, but somewhat trained. That is at their disposal.

Shri Hem Barua: Do they function directly under the Advisory Council of the Nagaland?

Shri Jawaharlal Nehru: This Advisory Council, is, in a sense, entrusted with almost every task, developmental, administrative etc. although at the present stage the final authority rests with the Governor. Law and Order especially rests with the Governor. It was agreed to. They are in constant consultation, I presume, about the use, recruitment etc. of these. But, they must remain for the present at least under the Governor's authority.

Raja Mahendra Pratap: Is it a fact that Mr. Phizo has compared Nagaland to Algeria?

Shri Jawaharlal Nehru: No, Sir. I do not know. But, any such comparison can only be due to ignorance of both.

Shri Yadav Narayan Jadhav: May I know whether these Village Guards are being trained to handle all types of modern arms?

Shri Jawaharlal Nehru: Of course, not. Nobody is trained to handle all kinds of modern arms. Modern arms include atom bomb—everything. They are not being trained to use them.

Mr. Speaker: Shrimati Mafida Ahmed.

Shri Hem Barua: May I know whether the influence of Phizo has fizzled out and he is in London....

Mr. Speaker: Unless I call the hon. Member, I request the hon. Minister not to reply at all to his question. Shrimati Mafida Ahmed.

Shrimati Mafida Ahmed: It is a fact that the hostiles a small coterie or big, whatever may be their number, are causing grave insecurity within and outside Nagaland. May I know whether the Advisory Council had made any suggestion to the Government to check their acts of violence?

Shri Jawaharlal Nehru: I do not know of their talks with the Governor

or the Commissioner. They are naturally interested in peace and order. But the direct responsibility for peace and order rests with the Governor.

Shri Hem Barua: So far as the influence of Mr. Phizo on some sections of Nagaland is concerned, may I know whether, after the new political settlement with a section of the Naga people, it has fizzled out—I mean his influence has filzzed out in this section?

Shri Jawaharlal Nehru: I cannot answer that question as to what Mr. Phizo feels or does not feel. He is still in London, I believe.

Export of Iron Ore

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*1766. **Shri Narayanankutty Menon:**
Shri Indrajit Gupta:
Shrimati Maimoona Sultan:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the State Trading Corporation has drawn up plans to double the export of Indian Iron Ore in the next five years;

(b) if so, which are the countries that have placed orders for it; and

(c) the details of the terms in this regard?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). State Trading Corporation has been making constant efforts to develop sales of iron ore to foreign buyers. Substantial quantities are expected to be exported to Japan, Czechoslovakia, Rumania, Poland, Hungary, Yogoslavia and Italy.

(c) Exports will be made at prices to be negotiated between the State Trading Corporation and the foreign buyers from time to time.

Shri Narayanankutty Menon: May I know whether the prices of the iron ore supplied to the different countries are uniform or they vary in each individual case?

Shri Satish Chandra: They vary according to the grades and also otherwise because the freight charges to each country are different. All relevant factors have to be taken into account.

Shri Narayanankutty Menon: May I know whether the contracts are f.o.r. India or to deliver in those countries? If the contracts are f.o.r. India how can the freight charges vary from place to place?

Shri Satish Chandra: The prices are decided F.O.B. India but the ore has got to be carried to these countries. Each country has to calculate—the buyer has to calculate whether the landed cost is economic to him. And we have to take that factor into consideration.

Shrimati Maimoona Sultan: May I know the estimated demand for Indian iron ore from all these countries during the next 5 years?

Shri Satish Chandra: The supplies of iron ore from India were about 3·5 million tons in 1960 and are expected to increase to, say, 8 to 9 million tons in 4 or 5 years' time.

Shrimati Maimoona Sultan: Which country is the biggest buyer of this Indian iron ore in the world market today and what is the total export of Indian iron ore to that country?

Shri Satish Chandra: At present it is Japan; and we supply a little less than 2 million tons of iron ore to them.

Shri Tyagi: Do the State Trading Corporation deal in this directly with the foreign countries or is ore supplied through agents or mine owners? In case the S.T.C. has to buy from the mine owners, I would like to know how much percentage of profit is permitted to them?

Shri Satish Chandra: All the exports are made by the State Trading Corporation and the prices are fixed for different localities depending on the grades the freight for railway haulage, the distance to which it has to be carried to the port etc. The prices differ from place to place and from

grade to grade. There is absolutely no complaint. It has been done to the satisfaction of the miners as well as the others.

Shri Tyagi: I was anxious to know what margin of profit or percentage over the actual expenditure is permitted to the mine owners when they buy from the mines?

Shri Satish Chandra: Detailed calculations are made. As I said, there is no uniform rate. If the distance from the port, is less probably, the mine owner gets a little more profit; if the distance is more and the haulage is 300 to 400 miles, more railway freight has to be paid and the mine owner in that particular locality cannot expect the same profit.

Shri Tyagi: What is the percentage of profit the S.T.C. keep to themselves after defraying all this expenditure?

The Minister of Industry (Shri Manubhai Shah): If I may amplify the answers the contracts with the mine owners do not depend upon any profit being allowed to them on a percentage basis. There is competitive buying and the Government buys from the various tenderers and mine owners at the most reasonable or the lowest possible price. It does leave a certain amount of profit to the mine owner. As far as the STC is concerned, it does not make a very big profit and whatever profit it makes is reflected in the balance-sheets of the STC. It will be difficult to give the profit, contract by contract and item by item of the STC.

Shri Thirumala Rao: Is our country experiencing any severe competition with regard to prices from the South American countries and, if so, what steps are being taken to overcome them?

Shri Satish Chandra: As far as the West European markets are concerned, such as Germany and Italy and other places, there is competition from Sweden and Brazil—mainly from Sweden, because the quality of the iron ore is good and the freight charges very low. As far as West European countries are concerned, India is third in the order of prices because it is the cheapest for them to buy from Sweden and then from Brazil and only then from India.

Shri Shivananjappa: May I know whether the export quota is allotted region-wise and if so what is the quantum for Mysore during the Third Plan?

Shri Satish Chandra: There is no export quota. All the exports are handled by the STC cent. per cent. The limiting factor is our transport capacity and the capacity of the ports. Whatever capacity is allowed to us by the Railways is fully utilised.

Shri Basappa: May I know whether there is any likelihood of export of low grade iron ore and if so, what is the quota for each place?

Shri Satish Chandra: Low grade iron ore is being exported from the port of Redi and the effort is to build up a bigger market for that. About four lakh tons of low grade iron ore were exported from Redi during 1960.

Shri T. B. Vittal Rao: Some time ago, the STC was carrying on negotiations with the Rumanian Government for the export of one million tons annually. May I know whether these negotiations have been concluded? May I also know, in view of the fact that our exports are impeded due to lack of handling capacity at the ports whether the Government are taking steps in order to step up the handling capacity in the ports?

Shri Satish Chandra: The question of developing the port capacity is a wider matter; it is receiving the attention of the Planning Commission and the Ministry of Transport and Communications. It is true that Rumania wanted large quantities of iron ore from the western ports. We are unable to supply the same at the present moment. So, the contract has been entered into with them for the supply of a smaller quantity in a firm

basis. But there is a provision in the contract that if port capacity is developed, greater quantities can be supplied.

Shri Narayanankutty Menon: May I know whether the authorities of the Port of Cochin informed the Government of India that it was possible to receive iron ore for transmission through the port of Cochin and whether that offer had been considered? What action has been taken?

Shri Satish Chandra: It will be considered. But one has to see whether the cost will not be too high for transporting iron ore from the mines to that particular port.

Reorganisation of the Office of D.G., S. & D.

***1767. Shri Tangamani:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether there is proposal to reorganise D.G., S. & D. organisation;

(b) if so, details of the same; and

(c) what is the nature of steps proposed for rectifying purchases found defective?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) No. Sir.

(b) Does not arise.

(c) Does not arise.

Shri Tangamani: Is it not a fact that the Stores Purchase Committee made certain recommendations and on the basis of those recommendations, the Indian Supply Service and the Indian Inspection Service have now come into force from 9th January, 1961.

Shri Anil K. Chanda: Yes, Sir.

Shri Tangamani: Because the DGSD has purchased locally stores worth at least Rs. 182.9 crores in the year 1959-60, may I know whether the wings of this section, namely, supply, finalising wing, planning, inspection and disposal wing had been toned up because of complaints that have been received?

Shri Anil K. Chanda: No, Sir. It is on the advice of the Stores Purchase Committee that several new wings were opened like the progress wing, price finalisation unit and the planning and distribution unit.

Shri Tangamani: This House had, on two or three occasions, been told that the many purchases made by the DGSD for the Railways from certain firms like Singh Engineering Co., etc., sleepers, keys, etc.—were defective. I would like to know what arrangement is being made to have a proper check-up with the Railway Ministry and whether the Controller of Stores of the Indian Railways and the office of the DGSD have any kind of consultation and also whether it is a fact that because there is no such co-ordination these things were passed originally but the defects were noticed only in Alipur or in some other inspection places?

Shri Anil K. Chanda: It is a very involved question, but I might give a general picture. The railways are perhaps our biggest indenters and in 1957, we supplied goods worth about Rs. 100 crores and complaints were only with regard to stores amounting to .001 per cent. of the total purchase. The terms of contract are very favourable to the Government and in case of any defects the goods have got to be changed by the consignor at his own cost.

Pandit D. N. Tiwari: May I know whether it is a fact that orders placed through DGSD to foreign countries are supplied late while the orders placed directly are supplied in shorter periods and if so, what are the reasons?

Shri Anil K. Chanda: I am not quite sure if the hon. Member is correctly informed. With regard to certain goods, the nature of the goods are such that some delay is inevitable. One has got to be very careful about specifications, particularly when the goods come from overseas.

Shri S. M. Banerjee: May I know whether it is a fact that recently certain things manufactured by Singh Engineering Works, which were passed by the Deputy Director of Inspection.....

Mr. Speaker: Some question was asked by Shri Tangamani.

Shri S. M. Banerjee: I want to know whether there is an enquiry being conducted into that?

Shri Anil K. Chanda: Yes, Sir. There was a question the other day put by the hon. Member himself. Unfortunately that question did not come up. We have made certain enquiries. Certain other enquiries are still proceeding. At the moment, it seems that there has been no default on the part of our inspectorate.

Pandit D. N. Tiwari: In many cases we have seen that orders placed directly by the Railways or other departments are supplied at an earlier date while the orders placed through the DGSD are supplied late.

Shri Anil K. Chanda: I am not quite sure if the Railways directly placed any orders to the foreign suppliers.

Shri Tangamani: Is it not a fact that we are also purchasing stores through the India Supply Mission and also the Indian Stores Department, London? May I know whether these two departments have also come directly under the DGSD and if so, what is the nature of steps that have been taken?

Shri Anil K. Chanda: So far as the India Supply Mission and the Indian Stores Department are concerned, they are not under the DGSD; but they are directly under the Ministry.

Shri Morarka: May I ask for a clarification from the hon. Deputy Minister? He said that in 1957, goods worth Rs. 100 crores were supplied to the Railways and the complaints received were only about .001 per cent. That means, goods worth Rs. 1 lakh.

Shri Anil K. Chanda: That is what I am told by the department.

Shri Ramanathan Chettiar: What is the total purchase by the DGSD on an average?

Shri Anil K. Chanda: It is a little over Rs. 200 crores a year.

Press Trust of India

***1768. Shri Goray:** Will the Minister of **Labour and Employment** be pleased to state.

(a) whether it is a fact that employees in the Delhi Office of the Press Trust of India staged a stay-in-strike on the 5th April, 1961;

(b) whether Government are aware of the deterioration in the relation between the employees of the Press Trust of India and its managing board; and

(c) what advice Government have given to the Managing Board to bring about an improvement in the situation?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes, for two hours from 11 A.M. to 1 P.M.

(b) No.

(c) Does not arise.

Shri Goray: Has the Government been informed by the management of the PTI that the appeal that they preferred to the Supreme Court has been withdrawn?

Shri Abid Ali: No, Sir. The appeal has been filed and I know it. But it has not been admitted still. I do not know whether it has been withdrawn.

Shri Joachim Alva: What sort of liaison is the Ministry of Labour maintaining with the Ministry of Information and Broadcasting? That Ministry has given out licences to other rival bodies and the situation in the Press Trust of India has definitely deteriorated. I want to know what kind of liaison is kept with the Ministry of Information and Broadcasting

which has given out two licences to other newspaper agencies?

Shri Abid Ali: We are concerned with the industrial relations directly. So far as this particular item is concerned—*viz.*, the question regarding the giving of licences—that is entirely for the other Ministry to deal with.

Shri Inder J. Malhotra: What were the main grievances of the employees and what were the reasons for which they went on strike? What steps have the Government taken to improve the relationship between the employers and the employees?

Shri Abid Ali: For a few months, the monthly salaries were delayed by two or three days. The salary for the month of March was delayed by four days. Now, the management has assured that henceforth the salary will be paid on the first of each month.

श्री विभूति मिश्र: मैं जानना चाहता हूं कि इस हड़ताल में कितने कर्मचारियों ने भाग लिया था और उनको प्रेस ट्रस्ट आफ इंडिया के मैनेजमेंट को पैसा देने में क्यो दिक्कत हुई और वह उनको समय पर पैसा क्यों नहीं दे सके ?

श्री आबिद अली : इसमें १०२ कर्मचारियों ने भाग लिया था, उनको पैसा देने में दिक्कत यह हुई कि बैंक से पैसा मिलने में देरी हो गयी ।

श्री रामसिंह भाई वर्मा: अभी श्रीमान ने फरमाया कि वेतन देने में चार पांच रोज की देरी हुई है । इस सम्बन्ध में शासन ने क्या कार्रवाई की ?

श्री आबिद अली: उनको समझा दिया और उनसे वायदा ले लिया कि आयन्दा ऐसा नहीं होगा ।

श्री रामसिंह भाई वर्मा : मैं तो विधान की बात कह रहा था ।

Several Hon. Members rose—

Mr. Speaker: Order, order. The strike was only for a few hours. The delay in payment of salaries was to the extent of about three days.

Shri Goray: Sir, there is one important question which I want to put. Are the Government aware that at the recent session of the convention of the employees' federation they passed a resolution demanding representation on the managing board of the PTI, if so, will the Government use their influence with the PTI to get this demand sanctioned?

Shri Abid Ali: I do not think that it has any relationsip with this particular action taken by the workers. The resolution passed by the federation has been forwarded to us and the usual course will follow.

Shri Braj Raj Singh: What has actually been done by the Government? This was one of the recommendations of the Press Commission. What has the Government been doing over it?

Shri Abid Ali: We can only persuade the management, and if the workers demand it, the matter can be referred the adjudication.

Shri Goray: Are they really persuading? (*Interruptions*).

Mr. Speaker: Next question.

Shri Joachim Alva: Sir, may I submit one think for your consideration? You have allowed ten minutes for some questions. This is a very important question.

Mr. Speaker: The hon. Member has a knack of introducing his own opinion in the form of question. He put a question asking as to how the Ministry of Information and Broadcasting allows some other agencies also to come into being. This question deals only with the strike situation which ended in three or four days. The hon. Minister said that the delay in payment was only four days.

Shri Braj Raj Singh: The strike was for two hours.

Mr. Speaker: Yes; the strike was only for two hours. The delay in payment was to the extent of three or four days. The management has assured that hereafter there would not be any delay and that the salary will be paid on the first of each month. All other questions may be very important but they are extraneous to this question and are irrelevant.

Shri Joachim Alva *rose*—

Mr. Speaker: The hon. Member has got many things to say. I shall allow him some other opportunity.

Shri Joachim Alva: We have not come to the root of the matter, Sir.

Mr. Speaker: The question asked was about the flowers and fruits; not the roots.

Legislation to Ban Strikes by Central Government Employees

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*1769. **Shri S. M. Banerjee:**
Shri P. C. Borooah:
Shri Amjad Ali:

Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that the Central Government employees organisations are to be consulted regarding proposed legislation to ban strikes;

(b) if so, the number and names of unions and federations who have been invited to join the proposed discussion;

(c) whether a date has been fixed; and

(d) if so, when and where?

The Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra): (a) No.

(b) to (d). Does not arise.

Shri S. M. Banerjee: May I know whether it is a fact that some Government employee were called for discussion? I want to know whether it is a fact that discussions took place with the representatives of the various federations who might not have come in the capacity of representatives but might have come as employees?

Shri L. N. Mishra: No representatives of any organisation came to see the Labour Minister or the Home Minister. Individual employees might have come.

Shri S. M. Banerjee: I want to know whether the Government intend discussing the proposed legislation with all the Central Government Employees' organisations before it is enacted?

Shri L. N. Mishra: They are supposed to have some kind of discussion with the employees in an informal manner: not with representatives of the organisation but with individuals.

Shri T. B. Vittal Rao: Some employees saw the Labour Minister. Could I know in what representative capacity the invitation was sent to them?

Shri L. N. Mishra: Individual employees came to see the Minister and the Minister saw them.

Shri Narayanankutty Menon: In view of the fact that the recognition of the employee's union has been withdrawn, there is no negotiating machinery at present. When do the Government propose to finalise this legislation and introduce it in Parliament?

Shri L. N. Mishra: The recognition of all the employees' unions has not been withdrawn. The recognition of those unions which went on illegal strike has been withdrawn. So far as the negotiating machinery is concerned, individual employees can have their grievances redressed through the senior officers. So far as legislation is concerned, we propose to have it some time in future. It may not be in this session.

Shri S. M. Banerjee: May I know whether the formation of the Whitley

Councils and their constitution have been finalised and, if so, what is the nature of the Whitley Councils and whether they will be incorporated in any legislation or they will be apart?

Shri L. N. Mishra: A Bill will be coming before the House, and I believe all these provisions will be there.

श्री रामसिंह भाई वर्मा : सरकार अगर कर्मचारियों से चर्चा नहीं करती तो क्या कल जो इंडियन लेबर स्टेंडिंग कमेटी की मीटिंग हो रही है उसमें इसकी चर्चा करेगी ?

श्री ल० ना० मिश्र : इंडियन लेबर कानफरेंस में इसकी चर्चा हुई है लेकिन कल जो मीटिंग हो रही है उसमें इसकी चर्चा नहीं होगी ।

श्री रामसिंह भाई वर्मा : क्या श्रीमान को यह ज्ञात है कि जो ८ सेंट्रल लेबर आरगेनाइजेशन हैं उन्होंने सरकारी कर्मचारियों की हड़ताल पर बन्दिश लगाने के बजाये न्याय दिलाने के सरल रास्ते का सुझाव दिया है ?

श्री ल० ना० मिश्र : उनकी राय मुझे मालूम है ।

Shri Tridib Kumar Chaudhuri: May I know whether some consultations were held by the Government and the Labour Minister with some persons who were in the past associated and are still supposed to be associated with some representative organisations of the employees—irrespective of the fact that their recognition has been withdrawn or not—and whether the Government are satisfied that the response is favourable?

Shri L. N. Mishra: So far as the meeting of the employees is concerned, a few days back the Labour Minister saw a few individual employees of the P. & T. Department, but they did not represent any organisation because the recognition of the organisation has been withdrawn. I do not know whether they are still associated with any unrecognised organisation. If they are, I do not think it is desirable.

Several Hon. Members *rose—*

Shri Prabhat Kar: What was the subject discussed with the persons present at the meeting with the Labour Minister?

Shri L. N. Mishra: It will not be in public interest to divulge it because the discussions are still going on. (*Interruptions*).

Several Hon. Members *rose—*

Mr. Speaker: Order, order. It is a large issue. They are trying to bring up legislation in this matter—re: Whitley Councils and so on—before this House sooner or later. All answers, as far as I am able to see, relating to this issue have been given. We cannot devote all the attention and time to a single question. There are several other questions.

Shri T. B. Vittal Rao: What is the reason for the delay? They gave an assurance last August.

Shri Narayanankutty Menon: In answering the questions, the Deputy Minister said that they are not concerned with the unions at all. But under the Trade Unions Act, the trade unions still exist, and the Labour Ministry should accept their representatives. Therefore, when an answer is given by the Labour Ministry that recognition is withdrawn and so there is no question of seeing them, it is completely illegal.

Raja Mahendra Pratap: I only want to say one thing. Will it not be better to punish the officer under whom the strike occurs? All this shows that he cannot manage his affairs.

Mr. Speaker: Order, order. The Question hour is over.

WRITTEN ANSWERS TO QUESTIONS

Retrenched Staff of Rehabilitation Ministry

*1759. **Shri Ajit Singh Sarhadi:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) how far has the proposal to absorb the retrenched staff of the Rehabilitation Ministry in the slowly expanding Dandakaranya project been implemented; and

(b) the number of retrenched personnel absorbed so far in the project?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Recruitment of staff in the Dandakaranya Project has been at a stand still for some time. If however the tempo of work there increases and more staff is required the claims of the rerenched staff of the Rehabilitation Ministry will naturally receive consideration.

(b) 3 retrenched persons and 12 others due for retrenchment.

Armed Forces Stationed in Nagaland

*1764. **Shri P. C. Borooah:** Will the **Prime Minister** be pleased to state:

(a) whether the special powers vested in the armed forces stationed in the disturbed areas of Kohima and Mokokchung districts of Nagaland will be continued; and

(b) if so, the reasons for the extension of the period of operation of the relevant order?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) and (b). The Armed Forces (Special Powers) Regulation, 1958, confers certain special powers upon the officers of the Armed Forces in the disturbed areas in Kohima and Mokokchung Districts of Nagaland to deal with unlawful acts and disturbances. There continues to be a need for the exercise of these special powers by the officers of the Armed Forces in their operations against the Naga hostiles. The Regulation conferring these special powers has, therefore, been extended for a further period of one year beyond the 4th April, 1961.

Sale of Iron Ore to Japan

*1765. **Shrimati Ila Palchoudhuri:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Japan has agreed to purchase from India iron ore during the Third Five Year Plan period;

(b) if so, the quantity which is likely to be purchased; and

(c) the terms and conditions according to which the purchase will be made?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) Yes, Sir.

(b) and (c). Negotiations are in progress.

Simplification of Administrative Procedure

*1770. **Shri Ram Krishan Gupta:** Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 568 on the 30th November, 1960 and state:

(a) whether the discussions regarding the simplification of rules and regulations and procedures to promote efficiency and economy have been concluded; and

(b) if so, the result thereof?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). The Planning Commission has concluded recently its discussions on administrative issues bearing on the Third Five Year Plan. The results of the discussion will be considered shortly by the Cabinet.

Interim Relief for Jute Workers

*1771. **Shri Indrajit Gupta:** Will the Minister of **Labour and Employment** be pleased to state:

(a) how many jute mills have not so far implemented the Jute Wage

Board's recommendation for cash interim relief for all workmen;

(b) the reasons, if any, given for such non-implementation; and

(c) the steps proposed to be taken by Government to enforce its implementation?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). Out of 88 jute mills which have to implement the recommendations, 82 have already implemented. With regard to the remaining 6 mills, the State Governments are pursuing the matter.

(c) Does not arise at present.

Loss of Files relating to allotment of Evacuee Land

*1772. **Shri Rameshwar Tantia:**
Shri Ram Krishan Gupta:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether it is a fact that certain files relating to allotment of evacuee land in Punjab have been missing;

(b) if so, the action taken in this regard; and

(c) whether any person has been arrested so far in this connection?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Yes.

(b) The matter is being pursued through the State authorities and some files have been traced.

(c) No.

Tractors for Reclamation Operations in Dandakaranya

*1773. **Shrimati Ila Palchoudhuri:**
Shri Khushwaqt Rai:
Shrimati Maimoona Sultan:
Shri Hem Barua:
Shri Rajeshwar Patel:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether it is a fact that Mr. R. F. Koken, a T.C.M. expert at present Construction and Plan Equipment Adviser to the Central Water and Power Commission who about two months ago was asked to conduct an enquiry into the causes of breakdowns and unsatisfactory performance of a number of D-80 and D-12 tractors supplied to the Rehabilitation Ministry by the Defence Ministry in 1960 for reclamation operations in Dandakaranya has submitted his report;

(b) if so, the details of his findings;

(c) whether a copy thereof will be laid on the Table; and

(d) the number of hours for which these tractors have been used in Dandakaranya and the acreage of land reclaimed by them so far?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) Yes.

(b) and (c). The report is under the consideration of Government.

(d) Upto the 31st March, 1961, 26,887 hours;

Full reclamation	2,155 acres
Part reclamation	7,599 acres
Road making	145 miles
Tank digging	3,05,700 c.ft.
Bunding	82,000 c.ft. and 640 acres
Tank site clearance	21 acres

European Common Market

*1774. **Shri P. C. Borooah:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 886 on the 13th December, 1960 and state:

(a) whether Britain has decided to associate itself with the European Common Market; and

(b) if so, how this decision is likely to affect Indian Exports to the U.K. particularly in respect of Tea?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) No decision appears to have been taken.

(b) Does not arise.

Factory Building Layout

*1775. **Shri Ram Krishan Gupta:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 1536 on the 8th December, 1960 and state:

(a) whether Government have examined the recommendations in the report of the team sent to study the technique of factory building layout and construction under the Technical Co-operation Mission;

(b) if so, the result thereof; and

(c) steps taken or proposed to be taken for implementation thereof?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). The recommendations of the Team are now under the consideration of the concerned departments to whom published copies of the Report were recently sent by the National Productivity Council. 25 copies of the Report are placed in the Library of the Parliament.

Coal Mining Machinery

*1776. **Shri P. C. Borooah:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is a scheme for the manufacture of all spare parts for coal mining machinery in India on a large scale;

(b) if so, what are the outlines of the scheme; and

(c) what action is being taken to implement the same?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). Several undertakings are engaged in the production of different parts of coal mining machinery such as Haulages, Conveyors, Power driven pumps etc. and certain schemes have also been approved for the manufacture of coal mining machinery and parts of such machinery. Besides, the coal mining machinery plant which is being set up in the public sector sector at Durgapur envisages the manufacture of spare parts not only for the complete machines which the project will be manufacturing, but also for the existing machines in operation in the country. This project which is being set up in two stages will have an output capacity of 30,000 tons per annum in the first stage and 45,000 tons per annum in the second stage.

Unsold Handloom Goods in Maharashtra

3980. **Shri Pangarkar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the present stock of unsold handloom goods in the co-operative sector in Maharashtra; and

(b) the steps taken to dispose of such unsold stock of handloom goods in the State?

The Minister of Industry (Shri Manubhai Shah): (a). The stock of unsold handloom goods in the co-operative sector in the Maharashtra State was of the order of 31·94 lakhs yards valued at Rs. 30·25 lakhs at the end of November, 1960.

(a) As the accumulation is not unduly large, and is expected to be cleared in the brisk season, the State Government does not consider it necessary to adopt any special steps to dispose of the stocks.

Industrial Estates in Maharashtra

3981. **Shri Pangarkar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of industrial estates set up so far in Maharashtra;

(b) how many of them are fully working;

(c) what are the reasons for the partial working of the estates?

The Minister of Industry (Shri Manubhai Shah): (a) Five Industrial

Estates one each at Kolhapur, Hadapsar, (near Poona), Karad, Nagpur and Amaravati have been set up so far in Maharashtra.

(b) The Industrial Estate at Kolhapur is fully working. The remaining four estates are working partially. The industrial Estate at Karad, Nagpur and Amaravati were completed recently and all the completed sheds have been allotted.

(c) The allottees require time for completing the preliminaries such as transporting and installation of machinery. The allottees have been allowed three months time to complete these preliminaries.

Economic and Industrial Survey in Madhya Pradesh

3982. Shri Pangarkar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have received any blueprint of economic and industrial survey carried out in Madhya Pradesh; and

(b) if so, the details thereof?

The Minister of Industry (Shri Manubhai Shah): (a). The National Council of Applied Economic Research, New Delhi, have conducted a techno-economic survey of Madhya Pradesh at the instance of the State Government and submitted its report to the State Government. The Report has since been published and is available on sale to the public with M|s. Asia Publishing House, Contractor Building, Nicol Road, Ballard Estate, Bombay.

(b) Broadly, the report contains:—

(i) A technical & Economic appraisal of the currently available and potential material resources of the State.

(ii) The prospects of Economic & Industrial development of the State in the light of current and potential availability of material resources and other complimentary factors such as Transport, Power, Skilled labour, Technical Training facilities, Enterpreneurial ability and capital necessary for effective utilisation of the resources.

(iii) Indication of the pattern of development programme over the next 10 years.

Small Scale Handloom Industries in Maharashtra

3983. Shri Pangarkar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of small scale handloom industries started in Maharashtra during the year 1960-61 with names of places;

(b) the total amount sanctioned by way of loans and grants for the development of these industries with break-up for each; and

(c) the expenditure incurred by the Maharashtra Government during 1959-60 and 1960-61?

The Minister of Industry (Shri Manubhai Shah): (a) A statement is laid on the Table. [*See* Appendix VI, annexure No. 17].

(b) and (c). Information is being collected and will be laid on the Table of the House.

Indo-China

3984. Shri D. C. Sharma: Will the **Prime Minister** be pleased to state:

(a) how many cases of complaints of irregularities were brought to the notice of (i) Viet Nam authorities; and (ii) Viet Minh authorities by the International Commission for Supervision and Control during the period November, 1960 to March, 1961; and

(b) how many of them were dealt with satisfactorily?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). The eleventh

Report covering the period in question is, it is understood, under preparation and will be released after it has been submitted to the Co-Chairmen of the Geneva Conference. A copy of this report, which will contain the information sought, will be placed on the Table of the House as soon as it is released.

Vanilla Plantation

3985. **Shri R. Narayansamy**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have introduced Vanilla and encouraged the planters for its plantation in the country;

(b) if so, the results thereof; and

(c) the acreage (State-wise)?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). The Indian Council of Agricultural Research have sanctioned a scheme for research on Vanilla at Wynad in the Kerala State, in the Mangalam Carp Estate by taking on lease an area of 5 acres of land from the Estate. The object of the scheme is to foster production of Vanilla by undertaking research. The scheme was sanctioned during 1958 for a period of five years at a total cost of about Rs. 87,000 and it started functioning with effect from December, 1959. Although Vanilla was introduced in Kerala nearly a century back, the cultivation of the crop has not reached any appreciable proportion in the country so far. In the whole of Wynad. M|s. Techno Chemical Industries, Calicut are the only growers of Vanilla on a commercial scale in their Mangalam Carp Estate.

Manufacture of Bicycles

3986. **Shri D. C. Sharma**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of bicycles manufactured in India during the period from 1st November, 1960 to 1st March, 1961 and;

(b) the number of bicycles exported during the above period?

The Minister of Industry (Shri Manubhai Shah): (a) *Large Scale Sector*: 5,00,000 bicycles approx.

Small Scale Sector: Total production figures are not yet available.

(b) 1506 bicycles were exported during the period November, 1960 to January, 1961. The trade figures beyond January 1961 are not yet available.

Establishment of Industries in Punjab

3987. **Shri D. C. Sharma**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of proposals received for the establishment of industries with more than Rs. 2 lakhs as capital in the Punjab during the period from 1957 to 1960; and

(b) the number of industries to which licences have been given?

The Minister of Industry (Shri Manubhai Shah): (a) The basic obligation for a party to apply for a licence under the Industries (Development and Regulation) Act, 1951 is a minimum capital block of Rs. 10 lakhs and more. Therefore no statistics on the basis of capital of Rs. 2 lakhs and more are maintained.

(b) The details of licences issued every month are published in the Journal of Industry and Trade.

Import of Books

3988. **Shri D. C. Sharma**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of permits issued for import of books during 1960-61; and

(b) the foreign exchange involved therein?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) 1232.

(b) Rs. 3,81,76,000.

The above figures are from 1-4-60 to 4-2-61; and are in respect of Books falling under S. No. 169-170/IV of the I.T.C. Schedule.

Export of Raw Wool to Russia

3989. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Russia has recently purchased 5,000 bales of raw wool;

(b) if so, on what terms;

(c) the total amount of raw wool sold to Russia during 1960 and 1961 so far and at what cost; and

(d) what other countries purchased raw wool during these periods and to what extent?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). Government have no information of individual transactions.

(c) and (d). A statement showing export of wool to U.S.S.R. and other countries, and its value, during the year 1960 and 1961 (January) is laid on the Table. [*See* Appendix VI, annexure No. 18.]

Manufacture of Agricultural Implements in Orissa

3990. Shri Kumbhar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any financial or technical assistance has so far been given by the Centre to the Orissa Sstate Government for the establishment of petty factories for manufacturing agricultural implements suitable to the local conditions and easily available to the farmers;

(b) whether Orissa State Government have started any such so far; and

(c) if so, their location and output, if any?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). Yes, Sir. A Government Company for the manufacture of agricultural implements like pruning knives scythes, spades, pick axes, seed drill, etc. has been set up by the Government of Orissa in Cuttack under the name of "Orissa Agrico Ltd." This factory has purchased the necessary tools and equipments and installed them. It is likely to go into production very soon. The State Government have also under consideration a scheme to manufacture improved agricultural implements at Bhubaneswar during the Third Plan period. The general scheme of grants and loans to State Governments for fostering Small Scale Industries includes assistance for the setting up of such factories.

Methanol Plant Sindri

3991. Shri Ram Krishan Gupta: Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Unstarred Question No. 1526 on the 8th December, 1960 and state:

(a) whether Government have considered proposal to dispose of Methanol Plant at Sindri; and

(b) if so, the result thereof?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). It was decided to dispose of the Plant on an "as is where is" basis to interested parties. Offers were accordingly invited through advertisement in the Press. A few offers have been received and are under examination.

उत्तर प्रदेश का पूंजी व्यय

३९९२. { **श्री भक्त दर्शन :**
श्री कालिका सिंह :
श्री सरजू पाण्डेय :

क्या योजना मंत्री १४ नवम्बर, १९६० के अतारांकित प्रश्न संख्या १४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) १९६०-६१ के वित्तीय वर्ष में उत्तर प्रदेश के लिए स्वीकृत धनराशियों में से

प्रत्येक मद में कितना वास्तविक व्यय हो पाया;

(ख) जो रकम खर्च नहीं हो सकी, उनके क्या कारण थे; और

(ग) विभिन्न मदों के लिए वर्ष, १९६१–६२ में उत्तर प्रदेश को कुल कितनी धनराशियां स्वीकृत की गई हैं ?

श्रम और रोजगार तथा योजना उपमंत्री (श्री ल० ना० मिश्र) : क) और (ख). १९६०–६१ के वित्तीय वर्ष में हुए वास्तविक व्यय की जानकारी अभी उपलब्ध नहीं है ।

(ग) १९६१–६२ में वित्त मंत्रालय ने ५१ करोड़ रुपये की केन्द्रीय सहायता उपलब्ध होने का संकेत दिया है । इसके विस्तृत ब्यौरे को अभी अंतिम रूप दिया जाना है ।

Trade with Middle East Countries

3993. Shri Pangarkar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the steps taken by Government to promote trade with the Middle East countries during the year 1960-61; and

(b) whether the trade with these countries is on the increase?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) the following steps have been taken to promote trade with the Middle East countries:—

(i) Trade Agreements|Arrangements have been concluded with some of the countries.

(ii) Trade-*cum*-good-will delegations were invited to visit India to see the wide range of goods manufactured at present. Indian Trade delegations were sent to explore the possibility of increased exports.

(iii) Trade centres, show-rooms, etc. were opened in some countries for giving visual publicity to Indian goods.

(iv) Our Commercial Representatives guide and help the Indian traders, furnish useful information, resolve trade disputes and keep the traders in these countries informed of India's exportable products.

(b) Trade with these countries has remained more or less steady in spite of several adverse factors in regard to traditional items of our exports.

Technical Aid to Ethiopia

3994. Shri Ajit Singh Sarhadi: Will the **Prime Minister** be pleased to state:

(a) whether any technical aid or technicians have been sought by the Ethiopian Government recently; and

(b) if so, the nature of the aid sought and given?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes Sir.

(b) The Ethiopian Government have requested the Government of India for training facilities in Community Development work for six Ethiopian officials. They have also asked us for the services of two experts in the same field. Details are being worked out and discussions with the Ethiopian Government are proceeding.

Small Scale Industries

3995. { Shri Ajit Singh Sarhadi: / Shrimati Ila Palchoudhuri:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any proposal to increase the number of financing institutions in selected districts under the recently introduced Credit Guarantee Scheme of the Reserve Bank of India;

(b) the advances made in each category for acquiring fixed assets, equipment or working capital in Punjab; and

(c) the total investment made under the Scheme in the entire country?

The Minister of Industry (Shri Manubhai Shah): (a) No, Sir.

(b) Upto the 31st March, 1961, advances aggregating to a sum of Rs. 18,27,000 were guaranteed in the Punjab by the Guarantee Organisation. Category-wise break-up of the above figures is not available

(c) Upto the 31st March, 1961, advances aggregating Rs. 1,74,79,300 were guaranteed in the entire country by the Guarantee Organisation.

National Small Industries Corporation

3996. Shri Ajit Singh Sarhadi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the total investment by the National Small Industries Corporation in Schemes for supply of machines on hire purchase basis so far in five zones; and

(b) the investment in Delhi and Punjab so far?

The Ministry of Industry (Shri Manubhai Shah): (a) 4594 machines valued at Rs. 4,00,45,091 were delivered to small entrepreneurs on Hire Purchase basis upto the 31st January, 1961.

(b) 666 machines valued Rs. 53.21 lakhs and 320 machines valued Rs. 28.92 lakhs have been delivered upto 31st January, 1961 in Delhi and Punjab respectively.

Delhi Pilot Centre

3997. Shri Ajit Singh Sarhadi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any proposal to extend the Pilot Centre Scheme of creating direct link between manufacturers and dealers on the lines of Delhi Pilot Centre; and

(b) how far the Delhi Pilot Centre experiment has succeeded?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The Delhi Pilot Scheme for marketing of Small Scale Industries Products has been in operation for about ten months. The results of the scheme are now being studied. The extension of the scheme to other parts of the country will depend on the conclusion of this study.

Cost of Washeries

3998. Shri Ajit Singh Sarhadi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) what is the approximate cost of a modern washery;

(b) what is the foreign exchange involved; and

(c) whether there is any proposal to appoint a Technical Committee to investigate how far its cost can be reduced by local manufacture of parts, ets?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The cost of coal washery designed to treat 250 tons per hour of raw coal is about Rs. 1·8 crores, and the foreign exchange expenditure involved in the cost of this washery is about Rs. 1 crores. If the Plant is manufactured indigenously by Indian parties, the corresponding cost of the washery and the foreign exchange element thereof will be about Rs. 2 crores and Rs. 63·88 lakhs respectively.

(c) There is no proposal under the consideration of Government to appoint a Technical Committee to inquire into the question of local manufacture of Coal Washery. In order to establish indigenous manufacture of coal washery Government have already issued a licence to an existing Engineering unit to manufacture Coal Washing and preparation plant. A proposal from another party for setting up a new unit to manufacture Coal Washing Plant is under the consideration of Government. When

these units materialize, the foreign exchange expenditure for coal washeries is expected to be substantially lower than that involved in Washeries supplied by foreign firms.

Small Scale Industries in Dandakaranya Project

3999. Shri Ajit Singh Sarhadi: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) how far has the scheme or proposal to have Small Scale and Cottage Industries in the Dandakaranya Project been implemented or succeeded; and

(b) the number of such industries taken in hand in the reclaimed area?

The Minister of Rehabilitation and Minority Affairs: (Shri Mehr Chand Khanna): (a) and (b).

Some cottage and small scale industries have been started in Dandakaranya and some more are expected to be started shortly. It is too early to comment on the working of these industries. The industries so far started are:—

(i) Wood working centre including carpentry shop;

(ii) Hand-loom weaving centre;

(iii) Bamboo basket and matmaking centre;

(iv) Ambar charkha scheme; and

(v) Paddy husking.

Laos

4000. Shri Shree Narayan Das:
Shri Radha Raman:

Will the **Prime Minister** be pleased to state:

(a) whether Government are aware of any move having been made to bring Laos issue before the U.N.; and

(b) if so, what is the reaction of the Government of India in this respect?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Apart from certain Notes sent by the Government of Prince Boun Oum to the United Nations and a reference to the United Nations Secretary-General in the declaration made by the King of Laos on the 19th of February, 1961, asking him to bring to the notice of the member-nations his proposal for a Commission composed of Burma, Cambodia and Malaya, the Government of India are not aware of any move having been made to bring the Laos issue before the United Nations.

(b) Does not arise.

कुटीर उद्योगों में भारतीय निजी बुनकर

४००१. श्री पन्नालाल बारपाल : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार को मालूम है कि भारतीय निजी घरेलू उद्योगों में काम करने वाले बुनकरों का धन्धा ६० प्रतिशत ठप्प हो गया है; और

(ख) यदि हां, तो क्या सरकार बुनकरों की स्थिति का अध्ययन करने के लिये एक समिति नियुक्त करेगी ?

उद्योग मंत्री (श्री मनुभाई शाह) : (क) सहकारिता के दायरे में आने वाले खादी और हथकरघा क्षेत्र के बुनकरों की हालत में कोई खास परिवर्तन नहीं हुआ है। और न सरकार को इसकी जानकारी है कि निजी हथकरघा बुनकर काफी संख्या में बेकार हैं ।

(ख) प्रश्न ही नहीं उठता ।

Nahan Foundry Ltd.

4002. Shri Ajit Singh Sarhadi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any proposal under consideration to expand the

production potential of Nahan Foundry Ltd., Nahan; and

(b) if so, the nature of expansion envisaged?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Yes, Sir. The Nahan Foundry Ltd., propose to expand their capacity from 18.00 tons per annum of castings to 5000 tons per annum in two stages. The first stage of expansion raising the capacity to 3000 tons has been completed. Machinery required for the second stage of expansion have been installed. Under their diversification programme the Nahan Foundry Ltd., have undertaken the manufacture of electric motors of ratings from ¼ H.P. to 10 H.P., metric weights, motorised monoblock pumps, centrifugal machines and horizontal cane crushers. The possibility of manufacturing improved types of agricultural implements is also being explored.

Textile Mills in Punjab

4003. Shri Ajit Singh Sarhadi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether any applications are pending for gant of licences to start textile mills in Punjab;

(b) if so, their number and the location of the mills; and

(c) the reaction of Government thereto?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). Yes, Sir. There are some applications pending. They are under consideration.

Fraudulent Allotment of Evacuee Land

4004. { Shri Ram Krishan Gupta: Shri Rameshwar Tantia:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) the number of cases of fraudulent allotment of evacuee land brought to the notice of Government so far during the last three years; and

(b) the steps taken or proposed to be taken to inquire into the matter?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) 2376 such cases have come to notice so far. Separate figures of the last three years are not available.

(b) The fraudulent allotments have been cancelled and where possible, prosecutions have also been launched against the persons who obtained allotments by fraud.

C.P.W.D. Staff

4005. Shri Braj Raj Singh: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that the standing rules in the Central Public Works Department have been to hold regular yearly meetings of the Departmental Promotions Committee, prepare a panel in advance for promotions to the posts of Assistant Engineers, from the departmental section officers, based on seniority and merit and effect promotions from the approved panel as and when a vacancy occurred;

(b) whether it is also a fact that the Departmental Promotions Committee has not met for considering the persons for promotion for the last 3 years;

(c) if so, the reasons therefor; and

(d) the reasons for postponing the meeting even now?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) It is the general practice in every Department to hold meetings of the Departmental Promotion Committees for preparing panels of selected officers for promotion to existing and expected vacancies. There are no

separate standing rules for the Central Public Works Department. Ordinarily, such panels are to be prepared once a year. When, however, panels so drawn up are exhausted, immediate vacancies in the Department are filled by making provisional promotions pending drawal of a fresh panel by the Departmental Promotion Committee which usually takes some time.

(b) A meeting of the Departmental Promotion Committee was convened last in October 1958, to draw up a panel of Section Officers suitable for Promotion to the grade of Assistant Engineer (Civil). Another meeting of the Departmental Promotion Committee was convened in July 1959, to draw a panel of Section Officers suitable for promotion to the grade of Assistant Engineer (Electrical). The next meeting is scheduled to be held shortly.

(c) and (d). The Government received representations from different groups of Section Officers (University Graduates and A.M.I.Es.) regarding criteria for eligibility to promotion to the grade of Assistant Engineer. These representations had to be considered in consultation with the Union Public Service Commission and the Ministry of Home Affairs which took sometime and ultimately the rules of eligibility for promotion to the grade of Assistant Engineer had to be changed. This explains the delay in summoning a regular Departmental Promotions Committee.

Employment Exchange Office at Basti

4006. Shri Ram Shankar Lal: Will the **Minister of Labour and Employment** be pleased to state:

(a) whether there is an employment exchange office in Basti between Gonda and Garokhpur Districts of North Eastern Railway;

(b) if so, whether in the employment of class I employees in the railway the candidates are asked for from Basti Employment Exchange office; and

(c) if so, how many persons registered in this exchange have been called since its inception?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) Yes, when the employer wishes to recruit from Basti District.

(c) None so far.

Employees' Provident Fund

4007. Shri Aurobindo Ghosal: Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Central Board of Trustees of the Employees' Provident Fund has recommended an increase in th rate of interest on provident fund accumulations of subscribers;

(b) if so, by what percentage; and

(c) whether Government have accepted the recomendations?

The Deputy Minister of Labour (Shri Abid Ali): (a) No.

(b) and (c). Do not arise.

Import of Second-hand American Machinery

4008. Shri Aurobindo Ghosal: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether India has imported second-hand American machinery during the last three years; and

(b) if so, what is the amount spent for purchasing second-hand machinery and for which industries?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). There is provision in the import policy for grant of licences for second-hand machinery on *ad hoc* basis to actual users, subject to certain conditions. Second-hand machinery is, however not classified separately and statistics are not maintained on that basis.

Emery Stone Manufacturing Company (Rajasthan)

4009. Shri Yadav Narayan Jadhav: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount of subsidy given to M/s. Emery Stone Manufacturing Co. (Rajasthan) by the Khadi and Village Industries Commission on Rice Shellers and other Chakkies in the year 1960-61;

(b) what is the cost of production of the Chakkies manufactured by the above Company and what is the selling price;

(c) whether it is a fact that the above concern is continuing the use of the name of 'Emery' with the Chakkies manufactured even though the Commission has already informed the concern to discontinue the use of this name; and

(d) what steps are being taken in this regard?

The Minister of Industry (Shri Manubhai Shah): (a) Rs. 11,910/- only.

(b) The cost of the production of Chakkies manufactured by M/s. Emery Stone Manufacturing Company (Rajasthan) is Rs. 53·32 nP and its selling price is Rs. 55/- (including packing, freight, transport etc).

(c) Yes, Sir.

(d) Although the Khadi and Village Industries Commission has already suggested to the Company to discontinue the use of the name "Emery" for the Chakkies manufactured by it, the Company has continued to use the name on the ground that it is only a trade name.

Central Park in Connaught Circus

4010. Shri Ram Krishan Gupta: Will the Minister of **Works, Housing and Supply** be pleased to state at what stage is the scheme to shorten the central park in Connaught Circus with a view to provide more parking space in the Capital?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): The matter is under consideration with the Advisory Committee for Utilisation of Government land.

Public Participation in State Undertakings

4011. Shri Ram Krishan Gupta: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have since considered the proposal to permit limited public participation in the capital of some selected State-owned undertakings; and

(b) if so, the result thereof?

The Minister of Industry (Shri Manubhai Shah): (a) Yes.

(b) Government have since decided that the proposal need not be pursued at present.

Loans granted to Industrialists in Tripura

4012. Shri Dasaratha Deb: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount of loans paid to individual industrialists in Tripura by the Department of Industries, Tripura Administration during the Second Five Year Plan;

(b) the number of such industrialists;

(c) the number of people employed by them;

(d) the amount of loans recovered from each of them; and

(c) the steps taken to recover the balance?

The Minister of Industry (Shri Manubhai Shah): (a) The amount of loans paid to individual industrialists in Tripura by the Department of Industries, Tripura Administration during the Second Plan is of the order of Rs. 9 lakhs.

(b) 201.

(c) 926.

(d) The amount of loans recovered so far is about Rs. 24,000.

(e) Legal steps are taken as per terms and conditions of the bonds. Notice has been served to all defaulters and certificate cases have been issued against 34 defaulters.

Theft of a Car of the Indian High Commission in U.K.

4013. Shri Dharmalingam: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that a car of our High Commission in the U.K. was stolen recently;

(b) if so, the amount of loss incurred thereby and

(c) whether any steps have been taken to fix the responsibility?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes. A Humber Hawk Staff Car, purchased in 1956, was found missing on the 28th March, 1961.

(b) The present market value of the Car is about £300/-.

(c) The theft was immediately reported to the local police who are investigating.

A.I.R. Reviews of Proceedings of Parliament

4014. Shri Tangamani:
Shri Dharmalingam:

Will the Minister of **Information and Broadcasting** be pelased to state:

(a) whether certain items are left out in the review of parliamentary **proceedings** "To-day in Parliament" and the Night Broadcast of A.I.R.;

(b) whether it is a fact that discussion on the Demands for Grants in respect of the Works, Housing and Supply Ministry on the 29th March, 1961 has not been covered at all;

(c) whether it is a fact that Private Members' resolutions etc. on 1st April, 1961 have not been covered; and

(d) if so, the reasons for the same?

The Minister of Information and Broadcasting (Dr. Keskar): (a) It will be appreciated that in a commentary of five minutes which is not meant to be a summary of the proceedings of Parliament, but a highlighting of significant happenings, it is not possible to cover all items. Some discretion has always to be left to the commentator.

In the 15 minute news bulletin, it is also not possible to include all items of parliamentary proceedings, as the bulletin is meant to cover all important news, including Parliament's proceedings.

Unless time for coverage of parliamentary proceedings, is increased and that is being explored, it might not be possible to cover every item in the proceedings.

(b) No Sir. The main points of the discussion were covered in the 21·00 hrs. news bulletin on the 29th March.

(c) and (d). The fall of news on the 1st of April of many important events was exceptionally heavy. It was, therefore, not found possible to cover the non-official resolutions discussed that day in the 21·00 hrs. bulletin. However, a report of the discussion was included in other bulletins such as in Hindi.

Arrest of Chinese Army Personnel

4015. Shri Chintamoni Panigrahi: Will the **Prime Minister** be pleased to state:

(a) the total number of Chinese army personnel arrested so far on Sikkim-Tibet border and on Bhutan-Tibet border by the Indian army personnel; and

(b) whether they have been interrogated?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) One day.

(b) He is being interrogated.

Tibetan Refugees

4016. **Shri Chintamoni Panigrahi:**
Shri D. C. Sharma:

Will the **Prime Minister** be pleased to state:

(a) the total amount of money spent upto March, 1961 for the resettlement of the refugees from Tibet;

(b) the total amount spent upto March, 1961 for the maintenance of the Dalai Lama and his associates in India; and

(c) the number of Tibetan refugees who have given land in the South for resettlement?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Information is being collected and will be placed on the Table of the House in due course.

(b) The total expenditure incurred on the Dalai Lama and his encourage till the 31st March, 1961, is Rs. 6,66,752/-.

(c) 1409 Tibetan Refugees including women and children have so far been sent to Mysore for settlement on land in the Periyapatna taluk of that State.

Landscape Committee

4017. **Shri P. C. Borroah:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether the Landscape Committee has recommended postponement of the transfer of gardens in New Delhi from the Horticulture Department to the New Delhi Municipal Committee;

(b) if so, for how long; and

(c) the reasons for their recommendations?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) to (c). The Land-scape Committee has recommended that the status-quo should be maintained for the present as in its view the existing arrangements are satisfactry and any change at a time when important works are contemplated may effect the implementation of the works programme.

Two Pakistanis killed near Amritsar

4018. **Shri P. C. Borooah:**
Shri Muhammed Elias:

Will the **Prime Minister** be pleased to state:

(a) whether two Pakistanis were killed in an encounter with the police on the Indo-Pakistan border near Amritsar on or about the 5th April, 1961;

(b) if so, whether investigation has been made into the causes of the incident; and

(c) with what result?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes, Sir.

(b) and (c). On the night intervening 7th and 8th April, 1961, two Pakistanis smugglers, while trying to enter India, were killed in an encounter with the Pakistani Sutlej Rangers on the Indo-Pak. border within Pakistan territory. The question of investigation by Indian authorities does not arise as the incident took place within Pakistan territory, and involved Pakistani nationals.

Colony for Displaced Persons at Kalkaji

4019. **Shri D. C. Sharma:**
Shri P. C. Borooah:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to refer to the reply given to Unstarred Question No. 2145 on the 21st December, 1960 and state:

(a) the further progress made in preparation of the layout plans for the proposed colony at Kalkaji for displaced persons from East Pakistan; and

(b) the procedure to be followed in making allotments to displaced persons?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) The "Standing Committee on the Layout Plans" of the Municipal Corporation of Delhi has given general approval to the scheme and the Central Public Works Department are now preparing the services plans in consultation with the Corporation. Preliminary estimates for the development of this colony have, however, been prepared and are under examination. It is expected to issue sanction for these estimates soon.

(b) No procedure for the allotment of plots has yet been decided upon.

Heavy Industries Corporation in U.P.

4020. Shri Ajit Singh Sarhadi: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Government of U.P. has sought any Central aid for setting up a Heavy Industries Corporation which would finance large scale enterprises;

(b) whether States can finance heavy industries in the private sector under Industrial Resolution of 1956; and

(c) if so, to what extent?

The Minister of Industry (Shri Manubhai Shah): (a) In their draft Third Five Year Plan the U.P. Government included a proposal for the establishment of a Heavy Industries Corporation and suggested a provision of Rs. 100 lakhs for contribution by the State Government. The State Government have not sought any specific assistance from the Centre for the setting up of this Corporation.

(b) and (c). The Industrial Policy Resolution of 1956 does not lay down any specific limitations in the matter of States financing heavy industries in the private sector. The extent of such financing will naturally depend on a variety of factors such as suitability of project availability of resources, etc.

Production of Salt

4021. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the Government of India have recently decided to entrust to industrial co-operatives, all small scale production of salt; and

(b) if so, the reason for this decision?

The Minister of Industry (Shri Manubhai Shah): (a) No, Sir.

(b) The question does not arise.

Export of Linseed Oil-cake

4022. Shri P. C. Borooah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the export of linseed oil-cake has gone down;

(b) if so, the total quantity of linseed oil-cake for which export licences were issued during 1960 and how much of it was really exported; and

(c) the reasons for the shortfall?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Exports of linseed oilcake declined in 1960 as compared to the exports in 1959.

(b) Export of linseed oilcake is allowed on shipping bills. No licences such are issued for its export. 44,854 tons of linseed oilcake were exported in 1960.

(c) Severe competition in foreign markets from alternative sources of supply.

Non-Ferrous Metals Control Order

4023. Shri P. C. Borroah: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the administration of Non-ferrous Metals Control Order has

not been satisfactory and whether there is black-market in these metals in the country at present;

(b) if so, the reasons therefor; and

(c) the steps proposed to be taken in the matter?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). On the whole the Non-Ferrous Metals Control Order has been working satisfactorily since its promulgation on 2nd April, 1958. Most of the metal is being allotted directly to the actual users and as such the possibilities of its being sold in open market are limited.

Pension for Displaced Government Employees

4024. Shri P. C. Borooah: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether an agreement was arrived at between India and Pakistan at the Secretariat|Ministerial level that the persons who had put in 25 years of service or above in one Government would be given full pension benefit by the other Government in whose territory he has since settled;

(b) if so, whether this scheme is not applicable to the employees of semi-governmental departments like the Municipalities; and

(c) if so, the reasons therefor?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) and (b). In January, 1958 the Governments of India and Pakistan agreed that the employees of undivided Provinces, Centrally Administered Areas and former Princely States, who had, before migration completed service or age entitling them to a retiring or superannuation pension under the normal rules, but who migrated without having put in formal application for retirement or whose applications for retirement were not admitted by authorities concerned in either country may be allowed the pension which would have been admissible under rules if they had been permitted to retire.

In January, 1961, this agreement was extended to cover the cases of displaced employees of local bodies (other than those of the local bodies in former provinces of Punjab, Bengal and Assam). The payment of pensions in these cases has to be made by one Government on behalf of the other, provided persons concerned migrated to the other country before 30th June, 1955.

(c) Does not arise.

Issue of Licences to Scheduled Castes for Selling Cement in Delhi

4025. Shri B. K. Gaikwad: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that several Scheduled Caste people applied for licences to sell cement in Delhi;

(b) whether any member belonging to Scheduled Caste has been issued licence for cement; and

(c) if not, the reasons therefor?

The Minister of Industry (Shri Manubhai Shah): (a) Procurement, distribution, storage and sale of cement is not regulated under licensing cruder issued by the Delhi Administration.

(b) Does not arise.

(c) Does not arise.

Trade Fair at Casablanca

4026. { Shri P. C. Borooah: / Shri Raghunath Singh:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether India is participating in the Trade Fair at Casablanca being held this month; and

(b) if so, what are the main features of the exhibits?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(b) In addition to traditional items of export, it is proposed to exhibit the products of our developing industries *e.g.* engineering goods, crockery and glassware, chemicals and pharmaceuticals, food products, leather, rubber and plastic goods, sports goods, cosmetics etc. Special requirements of the host country have been kept in view. For instance a consignment of green tea has been sent along with the traditioal black tea.

Hanging Bridge over Siang River in NEFA

4028. Shri D. Ering: Will the **Prime Minister** be pleased to state:

(a) whether Government have taken up the construction of a hanging bridge over the Siang River either at Ngopok or Pamak in Siang Frontier Division; and

(b) if so what is the progress of the work and when it is expected to be completed?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). The detailed drawings and designs for the construction of a suspension bridge over the Siang River at Pamak in the Siang Frontier Division are under scrutiny. The work will be taken up immediately after the monsoon is over and is expected to be completed in the next working season.

Power Houses Maintained by C.P.W.D.

4029. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Unstarred Question No. 637 on the 28th February, 1961 and state:

(a) whether the Power Houses at Palam, Lucknow, Bamrauli, Q Block (New Delhi), Begumpet, Chakulia, Gaya, Mohanbari, Agartala and Lodi Road Wireless Transmitting station (New Delhi) are registered under the Factories Act, 1948; and

(b) if not, the reasons therefor?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) No.

(b) The power houses mentioned do not come under the definition of "Factory" in the Factories Act 1948.

C.P.W.D. Staff

4030. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Unstarred Question No. **637** on the 28th February, 1961 and state:

(a) whether there is differences between the nature of duties of Electric Generating Power House Drivers, Engine Drivers and Diesel Engine Drivers, and between Khallasis and Cleaners; and

(b) if not, the reasons for the difference in the nomenclature?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Yes.

(b) Does not arise. The Categorisation Committee for Workcharged Establishment of Central Public Works Department have however been entrusted with the duty of rationalising the designations of all categories of work-charged Establishment. They are looking into this question.

Work-charged Staff of C.P.W.D.

4031. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that the C.P.W.D. Staff on the regular establishment in the Vigyan Bhawan have been paid honorarium in connection with the work of the International Bank for Reconstruction and Development and International Monetary Fund Conference held in October, 1958;

(b) whether it is a fact that no honorarium has been paid to the work-charged staff of the C.P.W.D. in this connection; and

(c) if so, the reasons therefor?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Yes.

(b) Honorarium has been paid to Work-charged Staff also.

(c) Does not arise.

Meter Readers

4032. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of Meter Readers in the C.P.W.D. and their scales of pay;

(b) whether it is a fact that the nature of their duties is mainly clerical;

(c) if so, whether they have been given the scale of pay of a lower division clerk; and

(d) if not, the reasons therefor?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) (i) Five.

(ii) Rs. 75-1-85-EB-2-95.

(b) No.

(c) & (d) Do not arise.

Service Rolls of the Work-charged Staff of C.P.W.D.

4033. Shri Tangamani: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of service rolls of the work-charged staff of the C.P.W.D. which have been checked by the *Ad hoc Committee;*

(b) the number of service rolls which require rectifications;

(c) whether all such service rolls have been rectified; and

(d) if not, the reasons for the delay?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) 6080.

(b) 3923.

(c) 2157 rolls have been rectified. The rest are being attended to.

(d) Rectification of all items in the old service rolls cannot be done straightway without consulting very old records. At the moment, the progress is slow since service rolls are required by the Divisions for purposes of pay fixation under the C.C.S. (Revised Pay) Rules, 1960, and cannot be retained for rectification.

Work-charged Staff in C.P.W.D.

4034. Shri Balraj Madhok: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is correct that in some of the C.P.W.D. divisions the Second Pay Commission's recommendations have not taken effect for certain categories of work-charged staff;

(b) if not, the reasons for delay in implementing the same; and

(c) the probable date by which the recommendations are likely to be implemented?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) to (c) Presumably, the reference is to the fixation of pay of certain categories of workcharged staff in the Revised scales of pay adopted on the basis of the recommendations of the Second Pay Commission. The work of fixation of pay of the work-charged staff of the Central Public Works Department has been done only partially. The slow progress is mainly due to the fact that the Notification showing the scales of pay of different categories was issued only on the 14th November, 1960, and also due to certain doubts regarding the method of fixation of pay. Steps are being taken to expedite the fixation of pay.

Shopping Centres in Andrews Ganj Colony, New Delhi

4035. Shri Ram Garib: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that the shopping centres in the Andrews

Ganj Colony in New Delhi are ready for allotment of shops;

(b) if so, since when; and

(c) whether Government have undergone any financial loss due to non-allotment as rent etc. apart from the difficulties experienced by the residents?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Yes.

(b) Since 17th January, 1961.

(c) Negotiations are in hand for the transfer of the Market to the Delhi Municipal Corporation which will allot the shops and collect rent. The question of financial loss to the Government for non-allotment of shops does not therefore arise.

Plant for Manufacture of 'Mixolin' in U.P.

4036. **Shri Achar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a plant for manufacture of 'mixolin' which is a substitute for timber, is going to be set up at Loni in U.P. in collaboration with a West German firm; and

(b) if so, the capital required for this plant and the capacity of the plant?

The Minister of Industry (Shri Manubhai Shah): (a) No such proposal has been received by Government.

(b) Does not arise.

Export of Iron Ore from Vishakhapatnam

4037. **Dr. Vijaya Ananda:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the export of iron ore from Visakhapatnam port is according to the schedule; and

(b) if so, what quantity was exported in the months of January to March 1961?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) Yes, Sir.

(b) 42,122 tons.

Small Scale Industries in Vishakhapatnam

4038. **Dr. Vijaya Ananda:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) how much help has been rendered by the Small Industries Service Institute to the small scale industries in Vishakhapatnam in 1960 and 1961; and

(b) the details of the assistance given?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is attached. [*See* Appendix VI, annexure No. 19].

Production of Coconut

4039. **Shrimati Maimoona Sultan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the quantity of coconut imported into India during 1958, 1959 and 1960 and the places from where imported;

(b) the country's annual requirements for this commodity, and how far it is met indigenously; and

(c) the target of production of coconut during the Third Five Year Plan?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) A statement is laid on the Table of the House [*See* Appendix VI, annexure No. 20.]

(b) The present annual requirement of Coconuts is estimated at 5750 million nuts. The production during 1958-59 was about 4450 million nuts.

(c) A production target of 5750 million nuts has been tentatively fixed for 1965-66.

Small Scale Industries

4040. Shri Tangamani: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether specific amounts have been allotted for the development of small scale industries for the year 1961-62;

(b) if so, how much; and

(c) what is the share of Madras State?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A sum of Rs. 410 lakhs as loans and Rs. 150 lakhs as grants has been provided in the Central Budget for 1961-62 for assistance to the States for fostering Small Scale Industries.

(c) State-wise allotment of Central assistance has not yet been settled.

Co-operative Educational Film

4041. Shri Tangamani: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether a Cooperative Educational film was taken in 1960 in Conjeevaram in Madras State for propagation of co-operatives in handloom in particular;

(b) if so, whether it has been released; and

(c) if not, the reasons for the same?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir.

(b) Not yet.

(c) Some more shooting is necessary to complete the film.

Industrial Estates

4042. Shri Tangamani: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Industrial Estates already established will get additional assistance during the current year; and

(b) if so, nature and details of the same?

The Minister of Industry (Shri Manubhai Shah): (a) For approved Industrial Estates, which have not been completed by the end of Second Plan period, additional assistance would be provided in the current year.

(b) A provision of Rs. 400 lakhs has been made as loans in the Central Budget for 1961-62 for providing assistance for these industrial estates as well as for new ones.

Circulation of Newspapers and Periodicals

4043. Shri Ajit Singh Sarhadi: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the verification about the circulation of a newspaper or periodical for the purpose of advertisement is made in the certificate of a chartered accountant;

(b) if so, whether any spot enquiries are made about the circulation from the Post Offices of despatch by any officer; and

(c) if so, of what rank is such enquiry officer?

The Minister of Information and Broadcasting (Dr. Keskar): (a) For purposes of advertising, newspapers are required to produce a certificate of audit circulation either by the ABC or a Chartered Accountant and, failing this, a certificate of postal despatches signed by an officer of the Postal Department.

Generally, the work of checking circulation figures is undertaken by the Office of Registrar of Newspapers. That office also undertakes spot checking with the help of a special officer from the Comptroller and Auditor General's office. The Director of Advertising makes a check of circulation figures in consultation with the Registrar.

(b) & (c) No special checking is made by the Director of Advertising of the Post Office despatches.

वैदेशिक-कार्य मंत्रालय में हिन्दी जानने वाले पदाधिकारी

४०४४. **श्री प्रकाशवीर शास्त्री :**
श्री अर्जुन सिंह भदौरिया :
श्री ब्रजराज सिंह :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय वैदेशिक-कार्य मंत्रालय के प्रधान कार्यालय में कितने सूचना तथा सांस्कृतिक अफसर नियुक्त हैं;

(ख) उनमें से कितने भलीभांति हिन्दी जानते हैं और शेष अफसरों में से कितने हिन्दी कक्षाओं में सम्मिलित हो रहे हैं; और

(ग) ऐसे अफसर जो अच्छी तरह हिन्दी नहीं जानते हैं और न हिन्दी कक्षाओं में सम्मिलित हो रहे हैं क्या उनके लिये कोई ऐसी व्यवस्था है कि उनकी नियुक्ति किसी विदेश में स्थित भारतीय दूतावास में करने से पूर्व उनके लिये हिन्दी का समुचित ज्ञान प्राप्त करना आवश्यक हो ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू) : (क) २० ।

(ख) १७ अधिकारी अच्छी तरह हिन्दी जानते हैं और दो को काम चलाऊ हिन्दी आती है । बाकी एक अधिकारी ने, जो हाल में ही नियुक्त हुए हैं, हिन्दी सीखना शुरू कर दिया है ।

(ग) जी नहीं ।

विदेशों में स्थित भारतीय दूतावासों में हिन्दी कक्षायें

४०४५. **श्री प्रकाशवीर शास्त्री :**
श्री अर्जुन सिंह भदौरिया :
श्री ब्रजराज सिंह :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) गत छै मास में कौन-कौन से देशों में भारतीय दूतावासों से विदेशियों द्वारा हिन्दी कक्षाओं का प्रबन्ध करने का निवेदन किया गया;

(ख) उनमें से किन-किन देशों में इसके लिए उचित व्यवस्था कर दी गई है;

(ग) दूतावास के जिन कर्मचारियों से इन कक्षाओं के संचालन का भार संभालने की अपेक्षा की जाती है उनको किस प्रकार के प्रोत्साहन देने का निश्चय किया गया है; और

(घ) सरकार के उस निश्चय के अनुसार कितने कर्मचारियों ने अपनी सेवायें हिन्दी पढ़ाने के लिए अर्पित की हैं ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू) : (क) से (घ). इस सम्बन्ध में सूचना इकट्ठी की जा रही है और सदन की मेज़ पर रख दी जायेगी ।

Government Advertisements for Language Papers in Kerala

4046. **Shri Kunhan:** Will the Minister of **Information and Broadcasting** be pleased to state how many language papers in Kerala received advertisements of the Government of India in the year 1960-61?

The Minister of Information and Broadcasting (Dr. Keskar): Thirty-four Indian language papers in Kerala received advertisements issued by the Directorate of Advertising and Visual Publicity in the year 1960-61.

Working Hours of the Khadi and Gramodyog Bhawans in New Delhi

4047. **Shri Krishna Chandra:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) what are the working hours of the Khadi and Gramodyog Bhawans in New Delhi;

(b) how these working hours compare with those of the other shops in Connaught Place;

(c) whether the working hours of the Bhawans are less than those of the other shops; and

(d) if so, the reasons therefor?

The Minister of Industry (Shri Manubhai Shah): (a) The working hours of the Khadi Gramodyog Bhawan, New Delhi, run by the Khadi & Village Industries Commission are from 10-30 A.M. to 1-00 P.M. and from 3-00 P.M. to 8-00 P.M. excepting Sunday which is a closed day.

(b) The working hours observed by other shops in Connaught Place differ from shop to shop. While some open at 9-30 A.M. and close at 8-30 P.M. (with 3 hours interval from 1-00 to 4-00 P.M.), the others open at 10-00 A.M. and close at 8-00 P.M. (with 2 hours interval from 1-30 P.M. to 3-30 P.M.). The working hours observed by Khadi and Gramodyog Bhawan are not very materially different from those observed by the other shops.

(c) No, Sir.

(d) Does not arise.

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12 hrs.

MOTIONS FOR ADJOURNMENT

SUSPENSION OF ELECTRIC POWER IN CALCUTTA

Mr. Speaker: I have received notice of three adjournment motions—all relating to the same subject:

> "Complete breakdown of the Durgapur Thermal Power Station of the D.V.C. since 25th April night resulting in the complete suspension of electricity power supplies in large parts of the city of Calcutta and other industrial areas which draw their electricity supplies from this source."

It is only a short time ago that I allowed a statement to be made by the hon. Minister. What is the present situation? Has any deterioration taken place in that matter?

Shri Tridib Kumar Chaudhuri (Berhampore) *rose*—

Mr. Speaker: Let me hear the hon. Minister. It is not that every day I am going to devote all the time to Calcutta just because it is important. Only a few days ago, I allowed a statement. Let me understand the situation. I am not going to allow hon. Members whose information is drawn from the newspapers....

Shri Tridib Kumar Chaudhuri: Not from the newspapers. Before you call the Minister, may I....

Mr. Speaker: I am not going to allow. Will he resume his seat or not? The order in which I should call Members, whom I should call first, etc. must be left to me. I cannot be dictated to like this. Calcutta is an important city and a few days ago I allowed a statement on this breakdown. Though this is only a State matter, the hon. Minister made a statement. There is an Electricity Supply Corporation. Some machinery has broken down and steps are being taken. In the meanwhile, the D.V.C. is asked to increase the quantity of the load, etc. It is all fresh in my mind. I thought I need not allow this, but in view of the fact that the hon. Minister has written to me that there has been a deterioration in this matter, I want to know how the deterioration has taken place. If I feel there is something to understand from those hon. Members who come from that part, I will give them an opportunity. I cannot be obstructed like this. There is nothing lost if hon. Members are a little patient.

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim): I can appreciate the anxiety of the hon. Members. I came to know of this accident yesterday morning and since then I tried to get information from Durgapur. But I did not succeed in getting information which could be placed before this House. Yesterday I

sent one of the members of the Central Water and Power Commission to go there and to see all things for himself and bring a complete report. He will be coming tomorrow or the day after. So, I suggest that I may be given an opportunity to explain and place the whole thing before the House on Monday next on the basis of that reliable information which I will be receiving.

Shri Tridib Kumar Chaudhuri: The impression that was created by the statement of the hon. Minister the other day was that it was the break-down of one of the main power stations of the Calcutta Electric Supply Corporation which was responsible for the short supply. But since then I have received information not only from a newspaper, but a responsible member of the West Bengal Legislature has come over here. He had discussed this matter with the Government and tried to meet the D.V.C. authorities. The D.V.C. authorities themselves are not very sure as to what led to the break-down. But the fact remains that Durgapur thermal power unit has completely broken down and that means that we are faced with a very dangerous situation. The Minister appointed a committee the other day....

Mr. Speaker: I am not able to follow all these arguments. The truth is that there is break-down. The Minister said the other day that it has broken down at one place. The Member wants to say it has broken down at another place. The Minister says he will get further information regarding this. What is the charge now? Shall I immediately impeach the hon. Minister? I am not able to follow. He says that on Monday he will give further information so far as this matter is concerned. In the meanwhile, if any hon. Member has got any further information, he may give it to the hon. Minister. The hon. Member is now arguing as if I am allowing the adjournment motion. What is it that he wants the Minister to look into?

Shri Tridib Kumar Chaudhuri: When a break-down ocurred in Delhi a few days ago, the Government appointed a high-powered committee of technical experts to go into the whole matter. A similar thing should be done in this case also. Otherwise, not only the big city of Calcutta—I am not arguing for Calcutta alone—but both Bihar and West Bengal would suffer; the entire industrial area will suffer.

Shri Prabhat Kar (Hooghly): The newspaper report says that as a result of this failure, all the industrial units around Calcutta have been closed and as a result thereof, already the workers have been given lay offnotices, because they are not in a position to run the industries. Secondly, as a result of the failure, the suburban electric trains are going to be stopped. That means complete....

Mr. Speaker: What is it that he wants to be done?

Shri Prabhat Kar: It has been stated that the matter is under consideration. But since the hon. Minister made a statement here, the position has completely deteriorated, dislocating the entire city of Calcutta and the industrial areas. I want to know what immediate steps he is going to take, so that such deterioration may not take place? That is the main point, because it is not simply break-down of supply to private houses, but all the industries are being closed down. The workers are being retrenched, suburban trains are going to be stopped....

Mr. Speaker: He has already said all that; he is repeating. I am not going to allow this adjournment motion. The hon. Minister made a statement the other day from those facts that he had got then. Now he has stated that he will lay all the information before the House on Monday. In the meanwhile, some suggestions have been made. This seems to be a matter of recurrence and large sections—industrial and private—are involved.

There is a suggestion by Shri Tridib Kumar Chaudhuri that a high-powered committee of technical experts

[Mr. Speaker]

must be appointed. That is a suggestion for action. Shri Prabhat Kar says that this is causing serious inconvenience and workers will be discharged and therefore effective and immediate steps ought to be taken. The Minister will kindly bear all this in mind and make a complete statement on Monday. Let us see thereafter. In the meanwhile, I do not think it is necesary to allow this adjournment motion.

Shri Sadhan Gupta: (Calcutta—East): The adjournment motion may be held over.

Mr. Speaker: I have disallowed the adjournment motion.

Shri Sadhan Gupta: Before hearing the hon. Minister?

Mr. Speaker: He wil make a statement on Monday.

12.08 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORT AND AUDIT ACCOUNTS OF HINDUSTAN INSECTICIDES LIMITED, 1959-60

The Minister of Industry (Shri Manubhai Sah): I beg to lay on the Table a copy each of the following papers:—

(i) Annual Report of the Hindustan Insecticides Limited for the year 1959-60, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of Section 639 of the Companies Act, 1956.

(ii) Review by Government of the working of the above Company. [*Placed in Library. See* No. LT-2901/61.]

NOTIFICATION UNDER ESSENTIAL COMMODITIES ACT, 1955

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): I beg to lay on the Table a copy of Notification No. G.S.R. 537, dated the 17th April, 1961, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955. [*Place in Library. See* No. LT-2902/61.]

12.8½ hrs.

ESTIMATES COMMITTEE

MINUTES

Shri H. C. Dasappa (Bangalore): I beg to lay on the Table a copy of the Minutes of evidence given before the Sub-Committee of the Estimates Committee on Public Undertakings and Minutes of the sitting of the Estimates Committee relating to Hundred and twenty-fifth Report on the Ministry of Steel, Mines and Fuel—The Neyveli Lignite Corporation Limited.

STATEMENT RE: ACCIDENT IN THE EAST KAJORA COLLIERY ON THE 22ND APRIL, 1961

The Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra): An accident occurred in the East Kajora Colliery near Asansol at about 4 P.M. on the 22nd April, 1961 involving the loss of five lives and injury to one person.

2. The accident was due to fall of roof, 70' x 40' x 4', in a developing area in which extraction of pillars had been completed and which had been fenced off after withdrawal of the roof supports. Six miners, who were to work on a new pillar, left off their legal working place and entered the prohibited area after removing the fencing for the purpose of collecting fallen coal. The roof fall took place when they were busy loading coal. Five persons were buried completely and one partially. The latter was extricated and sent to the hospital.

3. Intimation about the accident was received at the office of the Regional Inspector of Mines at 2 P.M. An Inspector of Mines left for the mine immediately. The Deputy Chief Inspector of Mines, who was at Dhanbad, also left for the mine shortly thereafter.

4. The mine was last inspected by the Inspectorate on the 28th January, 1961. The roof that collapsed and caused the accident had not been exposed at that time. There had been no fatal or serious accident in the mine during the last three years.

5. It is unfortunate that the present accident in East Kajora Colliery (West Bengal) has followed in quick succession the two accidents in the Simlabahal and Budroochuck Collieries (Bihar) about which a statement was laid on the Table of Lok Sabha on the 21st March, 1961. It may, however, be mentioned that in recent years the fatality rate in mines has registered a downward trend. The fatality rate per thousand persons employed in 1954 was 0·72. As against this, the rate in 1955 was 0·64; in 1956, 0·53; in 1957, 0·40; in 1958, 0·78 and in 1959, 0·47. The comparatively high rate during 1958 was due to the unfortunate disasters in Chinakuri and Central Bhowrah collieries which took a toll of about 200 lives.

6. As required under the Mines Act, all fatal acciednts are enquired into by the Mines Inspectorate. The causes of, and the responsibility for, the accidents are fixed and suitable action is taken against managements in cases where the responsibility is theirs. Courts of Inquiry under the Mines Act are also set up where the causes and circumstances of an accident cannot be ascertained otherwise. Separate Courts of Inquiry under the Regulations are set up for considering the fitness of defaulting officials like managers and surveyors.

7. Inquiries into the fatal accidents that took place in 1959 show that 53 per cent. of the accidents were due to misadventure, 18 per cent. to fault of subordinate supervisory staff, 15 per cent. to fault of management and the rest to miscellaneous causes.

8. As regards the vigilance of the Inspectorate in launching prosecutions, statistics for the five years 1955 to 1959 show that convictions were secured in the large majority of cases, the percentage of convictions to decided cases varying from 67 to 97. There was thus no inefficiency in the conduct of cases.

9. An analysis of acciednts by causes shows that accidents due to falls of roofs and sides account for over 50 per cent. of the total accidents in mines. This is true not only of Indian mines, but of mines all over the world. Large areas of the roof are constantly exposed in the course of working in every mine, and the only way to prevent roof falls is to support the newly exposed roof as required by the law. This responsibility rests squarely on the management. Inspectors can discover faulty supports of roof that exist at the time of their inspections but can do nothing in respect of defaults committed in day to day working. The penalties provided under the Mines Act were suitably enhanced recently. The special Safety Conference convened some time ago has helped in laying greater emphasis on safety by all concerned. It is hoped that there will be steady improvement in the matter of safety in the coming years.

Shri S. M. Banerjee (Kanpur): Sir, this is the third accident in succession.

Mr. Speaker: The suggestion of the hon. Members was that the inspection was not carried out in the proper way. One after the other the roofs of mines are collapsing, causing danger to lives. From one it has come to three accidents now. So, according to them, the inspection is no good. The hon. Deputy Minister is defending the inspecting authorities who, on the other hand, must be requested or directed to take a greater interest in this matter. Immediately after inspection, the roof collapses. How can you say that the inspection was right?

Shri L. N. Mishra: This accident took place two months after the inspection was over. Roofs have to collapse after you take out the coal from the mines.

Mr. Speaker: Roofs have to collapse even when the men are there?

Shri L. N. Mishra: It was declared a prohibited area and the labour were not allowed to go there. The labour went there to take out coal. This has taken place in an area which was declared a prohibited area. No labour of the management was allowed to go there. The labourers went—to take coal— to this area which was declared a prohibited area.

Shri S. M. Banerjee: Sir, I seek your help. My submission is that there should be some high—power enquiry committee. The Minister is making a statement on the basis of the inspection report that the workers left their legal place and went to a prohibited area. Their dead bodies were found. It is a serious matter. Let there be an enquiry. Just to deprive the workers of their legitimate compensation even the dead bodies are are changed by mine owners. There should be a discussion on this. Sir, you allow a discussion when the reports are laid on the Table.

Shri L. N. Mishra: There is no compensation for loss of life.

Mr. Speaker: Does the hon. Member deny that it is a prohibited area?

Shri S. M. Banerjee: I want to know whether he had the entire mining area....

Mr. Speaker: I am putting a straight question to the hon. Member. There is no good asking the hon. Minister from time to time not to be satisfied with their own inspectorate, and then ask them to have a high-power committee. They cannot be brought from heaven; they are already here. But there must be sufficient ground for appointing one. Does he deny that this was a prohibited area?

Shri Braj Raj Singh (Firozabad): This can only be said by the hon. Minister. But my point is, how were the workers allowed to be there? Was there no machinery to check them from going to that area?

Mr. Speaker: People commit trespass to pick out some coal that is left out.

Shri T. B. Vittal Rao (Khammam): Sir, it happens in mines sometimes that there are some mis-adventures. What I would like to know from the hon. Deputy Minister is whether a trade union representative was present when the Regional Inspector or the Deputy Chief Inspector of Mines carried out the enquiry?

Shri L. N. Mishra: I have not ascertained that. They should have been there. I will try to find out whether they were there or not.

12·15 hrs.

BUSINESS OF THE HOUSE

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): Sir, there is a half-an-hour discussion today on Asoka Hotel. It is scheduled to begin at 5·00 P.M. There is an investiture ceremony at Rashtrapati Bhavan and some of us have accepted the invitation to attend that function. My humble submission is that we may have the half-an-hour discussion at 4.30 P.M. instead of at 5.00 P.M.

Mr. Speaker: I am not here to decide, but I can only take care of Parliament. The Parliament won't adjourn on account of any of these matters. Hon.. Members must be here. Whoever wants to go, I can't prevent him from doing so.

Shri V. P. Nayar (Quilon): After the investiture let us go to Asoka Hotel.

Mr. Speaker: All people know how long the Parliament sits. During the hours of Parliament, for some other function I cannot adjourn the House. Individual Members can go; I can't prevent them.

Shri D. C Shrma (Gurdaspur): For us Parliment is the first concern.

Mr. Speaker: There is no disparagement to any of the other functions. They choose their time; we choose our time.

I want to make it clear that there is absolutely no disparagement so far as such ceremonies are concerned. I do not know if all the 500 Members have been invited. I understand only 40 or 50 have been invited. Even without such an invitation, a number of Members are absent from time to time. Therefore, they need not make that an excuse for getting out of the House; they may go independently.

12.17 hrs.

ORISSA APPROPRIATION (No. 2) Bill,* 1961

The Deputy Minister of Finance (Shri B. R. Bhagat): Sir, on behalf of Shri Morarji Desai, I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Orissa for the services of the financial year 1961-62.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Orissa for the services of the financial year 1961-62."

The motion was adopted.

Shri B. R. Bhagat: Sir, I introduce** the Bill.

12.18 hrs.

LEGAL PRACTITIONERS BILL—*Contd.*

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri R. M. Hajarnavis on the 26th April, 1961, namely:—

"That the Bill to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils and an All India Bar, as reported by the joint Committee, be taken into consideration."

Out of 5 hours allotted for this Bill 3 hours and 35 minutes have already been taken.

Shri Braj Raj Singh (Firozabad): Sir, the time will have to be extended.

Mr. Speaker: How much time has been allowed?

Shri Narayanankutty Menon (Mukandapuram): Altogether five hours have been allotted.

Mr. Speaker: How long would they require for clause-by-clause consideration?

Shri Narayanankutty Menon: At least two hours.

Mr. Speaker: If you want two hours more, I think I will have to apply guillotine. Only 1 hour and 25 minutes remain.

Shri Narayanankutty Menon: Certain provisions are important, and there are many amendments also.

Mr. Speaker: How long does the hon. Minister propose to take?

The Minister of Law (Shri A. K. Sen): Not more than 30 minutes. It is more or less non-controversial, excepting with regard to particular clauses.

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*Published in the Gazette of India Extraordinary Part II-Section 2, dated 23rd April, 1961.

**Introduced with the recommendation of the President.

Mr. Speaker: That means half an hour for the reply, and then there is clause-by-clause consideration. We will conclude by 3.00 P.M.

Shri A. K. Sen: At what time would you call upon me, Sir, to reply to the consideration stage.

Mr. Speaker: At 1.30 I will call him. The consideration stage must be over by 2.00 P.M. and then we will have one hour for the clause-by-clause consideration.

Shri Braj Raj Singh: Let us extend the time by one hour. We saved some time on another Bill yesterday.

Mr. Speaker: Let us see—Shri Khadilkar. Hon. Members may state their points very briefly. Ten minutes were allotted by the Deputy-Speaker. I will follow it.

Shri Khadilkar (Ahmednagar): I certainly welcome the Bill as it has emerged from the Joint Committee because certain very welcome amendments have been suggested to the existing law. Just as there is a Medical Council, representing the medical profession and regulating its affairs in an autonomous way, there is to be a Bar Council, regulating the legal profession to some extent. Then, the enrolment fee, which was proposed at Rs. 500, has been reduced to Rs. 250. So far as these changes in the Bil are concerned, they are quite welcome, so far as they go. But, in my opinion, they do not go far enough.

Yesterday, one hon. Member suggested that the legal profession is like a traders' profession and the lawyers are trading in their wisdom. Another hon. Member stated that this now autonomous professional body with its own regulations and functions is just like a trade union. I am afraid, both the hon. Members do not know as to really what is the function of a lawyer in our legal system. A lawyer is an officer of the court and he is part and parcel of our legal system. If we understand that, then we will properly comprehend what vital role he is playing in the dispensation of justice as well. That is more important. The Law Minister is brining forward measures, making some reforms at the fringes and some tinkering effort is being made. But I would like to know from the Law Minister: has he given thought to the various aspects of our social and economic life? Unfortunately, neither the Law Ministry, nor the Law Commission, has so far given any thought to the fundamental change which is called for at the present juncture. We claim that we are changing our society. Whether we like it or not, the society itself is changing and we are consciously going towards a certain objective of social reconstruction.

But the fundamental question is this. Has our present legal system, the procedural system and the legal apparatus in this country been examined in the light of this change and suitable measures are taken to bring about a fundamental and basic change in the legal apparatus or not? Unfortunately, both the Law Ministry and the Law Commission have shown a good deal of poverty of thought regarding this matter. Men like Sir Alfred Denning, the Lord Chief Justice of the Appellate Court, have a good deal of thought to this matter, considering the legal system obtaining in Britain, how it has been affected by the welfare State and how the legal system has got to adapt itself to the changing social pattern. But, unfortunately, in this country neither the Law Commission, nor the Law Ministry, has taken any initiative of this nature. I say this because that reform is urgently called for in this country.

We claim to have inherited certain teachings of Gandhiji. Gandhiji always said that the legal system that operates in this country is the most oppressive and exploitative system, which aspect even my hon. friends,

the Communist lawyers, yesterday tried to ignore or gloss over while paying tributes to the eminent lawyers of this country.

Have we made any serious effort to improve the system at the lowest level, where the legal system creates a very foul and vicious atmosphere to the litigants? We must understnd that thousands of people are involved there and that they have to lose their property or life, as courts commit judicial murders quite often, because there is not enough legal aid available. Therefore, what I want to know from the Law Minister is this. Has he given some thought, or is he going to give some thought, to this aspect of of the prob'em, namely, what is the state of affairs at the lowest level?

My hon. friend, Shri Menon, paid glowing tributes to the legal profession. I know that in our public life the legal profession has certainly made immense contribution of which naturally every member of that profession is bound to be very proud. But at what time did they do that and under what circumstances? When the British legal system was superimposed with a foreign language in the society of ours, the lawyers engaged themselves as interpreters of law and the poor illiterate masses had to depend on their interpretation and pay for it, just as priests interpreted religion because common people never knew what religion was, though no intermediary was called for to interpret religion if a man wanted to have salvation or reach God. Still, all the same, the class of priests was created, and the class of priests demanded its own price. So, under the British system, when the profession was most flourishing, the lawyers in this country did their utmost to serve the new legal system, which was preserving the old order of society,, favourable to the foreign system of exploitation. I was surprised to find yesterday that neither Shri Menon, nor another eminent member from the Communist Benches, referred to this aspect. I know that lawyers have come forward to fight the battle of freedom in this country. On many an occasion they have served that cause. In other spheres of life also they have made their contribution.

But if we ignore this fundamental aspect of our legal system, which has proved very oppressive at the lowest level, I am afraid the little tinkering by introducing some reforms we are propos ng will not meet the situation.

What is the position at the district bar? Let me point out that at the district bar today the lawyers, touts, the local magistracy and the police are quite often in collusion. Let us understand that at least. The lawyers come in that collusion because some elements from the intelligentsia aspire to estabish good names.

Mr. Speaker: I am afraid, the hon. Member is making a very sweeping remark.

Shri Khadilkar: This is the position.

Mr. Speaker: Some of us are also lawyers.

Shri Khadilkar: I am not saying about everyone. I was referring to the general atmosphere. I do not want to accuse every lawyer, but what is the type of atmosphere prevailing at the lowest level?

Shri A. K. Sen: Is the hon. Member a lawyer himself?

Shri Khadilkar: I was, once upon a time; but I hardly practised. So, I cannot claim to be a practising lawyer.

Mr. Speaker: It is unfortunate that his experience was different.

Shri Khadilkar: If my remarks are perhaps hurting the professional people here, I will withdraw that. I do not want to hurt them. But I am looking at it from the litigant's point of view, from the common man's point of view. You should not expect me to just advocate certain measures to protect the profession,

[Shri Khadilkar]

because a profession becomes a monopoly in a State and tries to preserve its own monopoly, as far as possible, with the small reforms on the fringe. That is so in every profession.

Mr. Speaker: I ought not to be understood to be interested in any particular body; not at all. But the statement that the subordinate judiciary, wherever it exists, is in collusion with all the touts and lawyers there is a very sweeping one. There are black sheep here and there and, of course, all steps must be taken to plug all the loophoies so that from top to bottom there is absolutely no whisper of any corruption or malpractice anywhere. But to make a sweeping remark like that is not desirable.

Shri Khadilkar: I have withdrawn that remark.

Mr. Speaker: Very well. Nothing more need be said about that.

Shri Khadilkar: I am sorry in my enthusiasm I might have made a sweeping remark. But the truth of there; that should be taken note of.

Shri Narayanankutty Menon: He is over-enthusiastic.

Shri Khadilkar: I am coming to that. In his over-enthusiasm for his profession he has glossed over the fundamentals of it. That is the worst aspect.

I was referring to one aspect of the the junior lawyer at the lowest level. I was once upon a time there for a few months. I did not find the atmosphere very congenial. Today a junior lawyer has to subsist on prohibition cases only. This is the state of affairs in my State. He has got to look to prohibition cases, because it gives him bread and butter. Even otherwise a normal man takes to law when he has no other avenues of employment open to him. In our days many of us went to law colleges because we were waiting to find some opportunity for higher education or better employment. In between, the law college was attended for half-an-hour in the evening just for the sake of attendance. After two years we got our degree.

Even today the legal education is more or less at the same level. What I was saying was that it is because of this that we must see how the legal system operates at the lowest level and what role the lawyer plays there. That is very important. When I refer to Mahatma Gandhi I have a certain suggestion to make. If efforts are made to settle disputes at the lowest level, many of the disputes would be settled out of court. Today a litigation atmosphere is created. That is the worst of it. This system itself creates a litigation atmosphere and many people get involved into it and waste their time, money and energy. Therefore, I was talking of this aspect of the matter. I would appeal to the hon. the Law Minister to give serious thought to this. We have extended the health system.

Mr. Speaker: What are the hon. Member's constructive suggestion?

Shri Khadilkar: At the lowest level, as officer of the court, a lawyer should play this role. Another aspect of it is that all and sundry join the profession of law. Where is the necessity? Government should not enrol all people as lawyers. There should be some restrictions so that the efficiency and integrity of the profession may be maintained. If this is done they will be able to maintain some professional discipline and lawyers are not likely to take undue advantage of the ignorance of the litigant public. That is my second suggestion so far as the profession is concerned.

I entirely agree that what little has been done is good. Why have you kept this dual system? There are big prices in this profession because of this system in the big cities of Bombay and Calcutta. In Madras it is no

more there. The Commercial community can mobilise, organise work and run them as if they are joint stock companies and they can afford to engage big and eminent lawyers. I do not want to belittle the merit of lawyers as a class, as a profession, but their services are being taken advantage of by a particular community and ultimately justice becomes a marke'able commodity in this society even at the highest level. This is the pernicious aspect of it. Do you expect any socialist or welfare State to make justice a marketable commodity? I would, therefore, appeal to the Law Minister to look at this problem from this angle.

Sir, regarding the legal education I would like to say a few words. I know for understanding of social life or political life a certain legal background is absolutely essential. I know that. I have not practised. Practice is confined only to procedural law. I know law so far as equity, so far as jurisprudence, and so far as constitutional law is concerned, what I would call philosophy of law. For that matter, everybody must study that aspect. It must be a compulsory thing even in the Arts Colleges. I would certainly advocate it. But the present standard of legal education is so miserably poor that unfortunately lawyers enrol themselves with a view to earning their bread and butter. They are most ill-equipped for the job. Some selective method must be adopted at the lowest level, if they are to serve the legal system not simply as appendages, but as a part and parcel of it, because they are officers of the court. If you adopt some measure of this kind, I am sure you will give better justice to the poorer section.

One point more and I will finish. I want that in this country at the lowest level justice must be made very simple and cheap and in a particular surrounding all the social forces that are helpful to bring about justice must be utilised and approached in a constructive way. I know a case in point. In one of our districts a district magistrate, a young man, had some social outlook. He went to the District Court and appealed to the District Judge; he is going from village to village trying to get some of the disputes which are likely to result in a spell of litigation settled. I do not want executive officers to interfere in the legal processes. Far from it. But they must lend a helping hand to create such an atmosphere so that whatever remedies are available to poor people will be made available to them at their door and in a cheap manner. This is one thing you can do effectively. We are having development blocks. Why not have some machinery at the lowest level to evolve a method of arbitration at the lowest level? That will help a good deal and remove this vicious atmosphere. But this is found wanting.

Another development is that our property relationship is fast changing. In this book—I have no time to quote—the author who has examined every aspect of life in Britain says how it has adapted itself to the changing pattern of society. Not only we but the law courts also have an important part to play in this matter. Whatever we legislate here is to be ultimately interpreted by them and then it becomes a current point. If you look at this problem in this country from this angle you must apply your mind to the interpretation of the changing social relationship and property relationship. I will give one instance.

There are some eminent lawyers and ex-High Court Judges who are appointed to the highest tribunals. My experience after reading their judgments is—I have not practised there—that they do not understand the implications of a problem when they decide them, because they have never applied their mind from the trade union point of view or the employers point of view. They look at it from the point of view that there is some trouble and the employer is being harassed by the workers. There are many good judgments issued by the

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Tribunal Courts—I do not deny that. But this is what generally happens. I would therefore suggest that lawyers who are now occupying a crucial position should not represent the conservatism of law, but the dynamism of society. They must try to inculcate and impart a new outlook to the whole system of justice and then and then alone can we be proud that we are living up to the tradition of Gandhiji. Gandhiji aspired for this type of social justice at the lowest level, which is just, which is cheap and which is quick. Litigation should not create an atmosphere of doubts, a foul atmosphere which is never healthy for any developing society.

The Ministry of Law and the Law Commission have miserably failed to look at this social problem; they have exhibited a poverty of philosophy, poverty of thought, fundamental thought, and they have been tinkering with it here and there. To say, this lower court, that court, this *purshish* and that *purshish*, this kind of pleading and amendment of pleadings, all these things familiar in the practice in the court will not meet the situation.

Shri J. B. S. Bist (Almora): The Legal Practioners' Bill seeks to bring uniformity and unification in the legal profession and attempts to give better status and respect to lawyers. and I contragulate the Minister of Law on having brought this Bill. Many hon. Members have spoken on the Bill and I will confine myself to one or two points only.

Reading clause 24 dealing with persons who may be admitted as advocates on a State roll, I find that it excludes several thousands of persons including displaced persons who are qualified and have actually practised law before taking up service, whether private or under the Central or State Government.

Under the present law they are entitled to take up legal practice if they are no longer in service. It is not fair that their existing rights should be taken away by the passing of this Bill. This Bill would then be defeating its own laudable objects. The existing rights of such persons should not be taken away.

I believe that it is an unintentional omission, for in clause 24 of the Bill, on page 11, a proviso runs that clause 24(1) will not apply to any person who has been a member of the judicial service of a State or a member of the Central legal service. No reason exists why similar facilities should not be allowed to others similarly situated in other services. Such discrimination, in my opinion, is not fair or desirable. There can be no difficulty or objection in including these persons in the proviso. An amendment stands in my name, and in the circumstances I request the Minister of Law to kindly give his serious consideration to it and I hope that he will be kind enough to accept the amendment when it comes up.

There is another point on which I am not clear.

Shri A. K. Sen: May I enquire of the hon. Member if he has seen amendment No. 25 in List No. 5, which has been tabled by Shri Keshava, Shri M. L. Dwivedi and Shri Shiva Datt Upadhyaya? I would like to know if that will suit his purpose, because we are going to accept it, with slight amendments. I personally think that amendment No. 25 covers the hon. Member's objection.

Shri J. B. S. Bist: I have not gone through the contents and the implications of that amendment. But my point is this that any person who was practising law and who has joined service should not be debarred. The point is not whether he is in the judiciary or elsewhere. How does it make a difference? Being employed as a clerk in the judiciary does not give a person any special brains. Any person who was practising before is today entitled to practise again when he leaves service.

Shri A. K. Sen: That is why I asked him to read amendment No. 25, particularly (ii) (a), the last sentence which says "or has been an advocate of any High Court in any such area".

Mr. Speaker: "Has been" means down to the present day?

Shri A. K. Sen: Yes.

Shri J. B. S. Bist: Does the word "advocate" include vakil also?

Shri A. K. Sen: No.

Shri J. B. S. Bist: That is the trouble, because there are many vakils. After all, the members of the bar are not, all of them, very rich. Many of them have enrolled themselves for practice in district courts and all that. Why should they be debarred like this, just because they have gone into service to improve their finances to some extent? If they come out of service or after retirement, why should they be debarred? I leave it to the hon. Minister to consider this point. I am sure if he goes into it he will accept it. Because, we will otherwise be increasing unemployment also. On the one hand we are saying that people are unemployed and we cannot provide employment to them; and on the other we want to throw out people like this. Why should it be confined to the judiciary only? t should not be limited to the advocates only. I would like to know how that label of judiciary helps. Everybody in the judiciary is not intelligent—I may be excused for this remark. But the hon. Minister will agree that there are exceptional brains there, and there are also ordinary brains. My point is that there is nothing vague about it. Because, till such time as this Bill is passed, these people are on the rolls of the High Courts if they are advocates and they are on the rolls of the district courts if they are practising there. Why should they be debarred or their rights taken away? Are we going, by this Bill, to smother these people? I would therefore request the hon. Minister to agree to this amendment.

Shri A. K. Sen: We might agree, but I am having it redrafted a little, because I do not agree with the drafting of the hon. Member.

Shri J. B. S. Bist: Drafting is another matter. My only point is that people who are practising today as vakils and all that, High Court Vakils and so on, should not be debarred. Otherwise this Bill when it becomes an Act will be a curse on them. There are thousands of them, including displaced persons from Pakistan. Some people have been forced to leave it because . . .

Shri Moolchand Dube (Farrukhabad): How are they debarred?

Shri J. B. S. Bist: Because they are now in service. And so you debar their rights. When they leave service they can practise: That is the point. Anyhow, when the amendment comes up, it may be looked into.

The other point is this. I am not clear about the advocates on the roll of the High Courts. Because, I find that clause 17 (1) reads thus:

> "17(1). Every State Bar Council shall prepare and maintain a roll of advocates in which shall be entered the names and addresses of—
>
> (a) all persons who were entered as advocates on the roll of any High Court under the ndian Bar Councils Act, 1926, immediately before the appointed day and who within the prescribed time, express an intention in the prescribed manner to practise within the jurisdiction of the Bar Council;"

This means that the advocates on the rolls have to apply within the prescribed time, expressing an intention in the prescribed manner to practise within the jurisdiction of the Bar Council. In my opinion they should have been automatically included in

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the list and allowed to practise without the necessity of applying. But if the point is that this is limited to their own States, and if they want to go to the other States they have to apply, that is another matter.

And then "prescribed manner" is not provided for. I presume it will be under clauses 28(1) and (2) (a)—pages 12 and 13, which means that rules will be framed. One does not know what these rules will be. They should in fact be confined to the fixing of time and a formal from of application. But this is not clear. In any event, I submit that those advocates who are already on the rolls should not be compelled to pay the call money and be penalised in this manner. When they are already on the rolls, why should more money be demanded from them? After all, in this legislation, our object is not to make money. On the one hand, we are trying to bring in uniformity, and we are trying to elevate the status of the legal practitioners, but, on the other hand, we are rejecting these people. I am sure these things must have escaped the notice of the Joint Committee. I do not know how these things escaped their notice. Surely, there must have been lawyers on the Joint Committee who must have noticed it. Whatever it be, I am one of those who wish to draw pointed attention to this namely that if more money is to be realised from them, then it is penalising them.

I would request the hon. Minister to kindly look into these points, and I do hope that he will consider the matter favourably.

श्री ब्रजराज सिंह : अध्यक्ष महोदय, संयुक्त प्रवर समिति ने इस बिल में जैसा कि सदन् में पहले पेश किया गया था, उसमें काफी संशोधन कर दिया है और उनका मैं स्वागत करता हूं । इसमें एक प्रयत्न है कि सारे देश के लिये एक तरह का ढांचा वकीलों का, हमारे वकालत करने वालों का जो कि अदालतों में काम करते हैं उनका कायम किया जाय । यह बड़ी प्रसन्नता की बात है । लेकिन जहां पर संयुक्त प्रवर समिति ने इसमें कई परिवर्तन ऐसे किये हैं जिनका कि स्वागत किया जाना चाहिये, उसी के साथ साथ कुछ ऐसी बात हैं जोकि वकीलों के रास्ते में रुकावटें डाल सकती हैं और उनकी तरफ इस सदन का ध्यान जाना चाहिये ।

खास तौर से ऐडवोकेट बनने के लिये जो इस बिल में व्यवस्था की गई है कि नये लोगों को बार कौंसिल को २५० रुपये बतौर एनरोलमेंट फीस देनी पड़ेगी । अब उसके लिये कानून मंत्री महोदय यह कहते हैं कि इसमें कानूनी रुकावट है इसलिये वह इस तरह की कोई व्यवस्था नहीं कर सकते कि स्टाम्प ड्यूटी उन लोगों से न ली जाय जोकि बार कौंसिल में फीस दे चुके होंगे । मैं समझता हूं कि यह उचित नहीं है । कई माननीय सदस्यों ने सरकार का ध्यान इस ओर खींचा है और बतलाया है कि वास्तव में कानून में कोई इस तरीके की रुकावट नहीं है और यदि कानूनी रुकावट हो भी तो सिर्फ दो दृष्टिकोण रह जाते हैं । अब कानून मंत्री महोदय कहते हैं कि कानूनी रुकावट हो तो भी वह उसके बारे में इस वक्त कोई कदम नहीं उठाना चाहते, कोई कानून में व्यवस्था नहीं करना चाहते । अदालत में बाद में जाकर कोई टैस्ट केस लड़ कर इस बात को तय किया जा सकता है कि राज्यों को यह अधिकार है कि वह ऐडवोकेट्स से स्टाम्प ड्यूटी ले सकते हैं अथवा नहीं । मेरा कहना यह है कि टैस्ट केस अगर लड़ना है तो वह जरूर लड़ना चाहिये लेकिन यह पार्लियामेंट इस तरीके की व्यवस्था अभी कर दे कि कोई भी राज्य किसी एडवोकेट से स्टाम्प ड्यूटी नहीं ले सकेगा । सिर्फ २५० रुपये की एनरोलमेंट फीस की जो व्यवस्था है वही सिर्फ ले सकेंगे । अब हाईकोर्ट और सुप्रीम कोर्ट किस नतीजे पर पहुंचते हैं कि स्टाम्प

ड्यूटी राज्य ले सकता है अथवा नहीं, यह बाद का प्रश्न है जिस पर कि बाद में विचार किया जा सकता है ।

मैं कहना चाहूंगा कि वह इस सुझाव पर पुनर्विचार करें कि क्या यह उचित नहीं होगा कि स्टाम्प ड्यूटी को बन्द करने के लिये इस कानून में व्यवस्था कर दी जाय । कोई भी राज्य स्टाम्प ड्यूटी वसूल न कर सके । अब स्टाम्प ड्यूटी विभिन्न राज्यों में अलग अलग है । कहीं पर वह ५०० रुपये ली जाती है और कहीं कुछ ली जाती है और यदि यह स्टाम्प ड्यूटी देने की व्यवस्था बनी रहती है तो उसके माने यह होंगे कि नये लोगों को इस पेशे में प्रवेश पाने में बहुत दिक्कत होगी । ५०० रुपया तो उसे स्टाम्प ड्यूटी का देना होगा और २५० रुपये जैसी कि इस बिल में व्यवस्था है बार कौंसिल को देना पड़ेंगे । इस तरीके से शुरू में ही जो कोई भी इस पेशे में प्रवेश करेगा उसे ७५० रुपये निश्चित रूप से देने पड़ेंगे । ला कमिशन ने भी इसकी चर्चा की है कि किसी दूसरे राज्य में इस तरह की व्यवस्था नहीं है और इसलिये यह व्यवस्था हटनी चाहिये और यह स्टाम्प ड्यूटी लेने का अधिकार राज्य को नहीं रहना चाहिये । सिर्फ यह एनरोलमेंट फीस बार कौंसिल में ली जानी चाहिये । लेकिन २५० रुपये की जो यह एनरोलमेंट फीस लेने का सवाल है तो मैं समझता हूं कि हिन्दुस्तान की वर्तमान आर्थिक दशा में यह बार कौंसिल द्वारा २५० रुपये की फीस लेना कुछ उचित नहीं है । अब इस २५० रुपये की फीस लेने के पक्ष में सरकार की ओर से दलील यह दी जाती है कि अगर बार कौंसिल को व्यवस्थित रूप से चलाना है, सुविधाजनक रूप से चलाना है तो बार कौंसिल के पास फंड्स रहने आवश्यक हैं अब अगर आप बार कौंसिल के लिये फंड्स की व्यवस्था चाहते हैं तो मेरा अपना यह ख्याल है कि २५० रुपये के बजाय १२५ रुपये या १०० रुपये अगर आप एनलोलमेंट फीस कर दें तो अधिक लोग इसमें शामिल होंगे और संभवतः आपको जितना २५० रुपया लेकर फंड मिल सकता है उससे अधिक मिल सकेगा । इस तरह से इस फीस को रखने में सरकार का जो इरादा है और जो उद्देश्य है वह १०० रुपया और १२५ रुपया रख कर अधिक हद तक पूरा हो सकता है और फंड्स की कोई कमी नहीं रहेगी । मैं समझता हूं कि सरकार इस पर पुनर्विचार करे और यह फीस १०० रुपये या १२५ रुपये रक्खी जाय । २५० रुपया रख कर बहुत से अन्य लोगों को हम इस पेशे में प्रवेश पाने से वंचित कर देंगे ।

मैं श्री खाडिलकर के इस सुझाव का विरोध करना चाहता हूं कि कोई इस तरह की व्यवस्था करनी चाहिये जिससे कि कोई सेलेक्टेड टैस्ट हम लागू कर सकें और किन्हीं लोगों को इस पेशे में आने से रोक दें । मैं समझता हूं कि आज की पृष्ठभूमि में कोई इस तरह का टैस्ट रखना, कोई जांच रखना जिससे कुछ ही लोग इस वकालत के पेशे में आ सकें, यह उचित नहीं होगा । वैसे ही वकालत के पेशे में जो लोग डट नहीं सकते वे कुछ दिन बाद हट कर चले जाते हैं और दूसरे पेशे में चले जाते हैं । यह वकालत का पेशा खुद इस तरह का काम है कि जिसमें एफिशिएंसी न हो, अपना काम करने की शक्ति न हो और इस संगठन की उसे सही जानकारी न हो तो वह इस पेशे में सफल नहीं हो सकेगा । इसलिये मैं समझता हूं कि इस तरह का कोई भी सुझाव विरोध करने लायक है जिसमें यह कहा जाय कि कोई सेलेक्टेड टैस्ट होना चाहिये और हर एक आदमी को वकालत के पेशे में आने की इजाजत नहीं होनी चाहिये ।

दूसरी बात मैं यह कहना चाहता हूं । कि जिन लोगों ने १० साल, ५ साल या २ साल तक इस कानून बनने से पहले प्लीडर या वकील की हैसियत से वकालत कर ली है और उन्होंने जितना रुपया लेना चाहिये उतना वह राज्य सरकार को दे चुके हैं तो ऐसी हालत में अब उनको ऐडवोकेट बनाते वक्त कोई १२५ या २५० रुपये की फीस उनके लिये रखना ठीक नहीं है । उनसे अब कोई फीस नहीं लेनी

[श्री ब्रजराज सिंह]

चाहिये । एक इस तरह की व्यवस्था कर देनी चाहिये कि जिस दिन यह बिल ऐक्ट बनेगा उस दिन ऐसे लोग जोकि वकालत कर रहे होंगे जोकि प्लीडर या वकील होंगे उन्हें अपने आप ऐडवोकेट मान लिया जायगा । उन्हें किसी फीस को देने की आवश्यकता नहीं होगी । जो लोग अब तक वकील या प्लीडर की हैसियत से काम करते रहे हैं उन्होंने १० या २० साल में जबसे कि वह काम कर रहे हैं, उनसे ऐडवोकेट बनने की फीस लेनी उचित नहीं है क्योंकि वह जितना रुपया एडवोकेट बनने के लिये देते उससे ज्यादा रुपया वह दे चुके हैं । ऐसी सूरत में एडवोकेट होने के लिये और अधिक पैसा मांगना मैं समझता हूं कि उचित नहीं है । इसलिये जो लोग प्लीडर या वकील की हैसियत से कानून लागू होते समय काम कर रहे हैं उनको तो अपने आप ही बिना किसी फीस को दिये हुये एडवोकेट मान लेना चाहिये ।

ज्वाएंट सेलेक्ट कमेटी ने भी इस पर खूब विचार किया और अपनी राय प्रकट की है । सदन में भी इस बारे में बहुत गरमागरम चर्चा हुई है । डुऐल सिस्टम जो कलकत्ते और बम्बई में चल रहा है वह क्या लोगों के रास्ते में रुकावट नहीं डालता है और क्या कुछ लोगों के निहित स्वार्थ कायम नहीं करता है ? सरकार इस सुझाव पर विचार करे कि क्या हम कलकत्ते और बम्बई में जो डुऐल सिस्टम है उसको खत्म नहीं कर सकते हैं ? कुछ लोगों के निजी स्वार्थ हो गये हैं और उनके कारण ही इस डुऐल सिस्टम को कायम रखने की बात की जा रही है । दरअसल अब कोई इस तरह की आवश्यकता नहीं रह गई है कि यह जो बम्बई और कलकत्ते में डुऐल सिस्टम है वह वहां पर कायम रहे ।

कल सदन में कुछ माननीय सदस्यों ने वकीलों द्वारा ली जाने वाली फीस का जिक्र किया था । अब चूंकि वकीलों की फीस के बारे में कोई निश्चित सीमा नहीं है इसलिये उसमें बहुत सी गड़बड़ हुआ करती है । अब कमजोर मुव्वकिल ज्यादा फीस होने की वजह से अच्छे वकील अपने लिये नहीं रख सकते हैं । मैं चाहता हूं कि कोई न कोई इस तरीके की व्यवस्था अवश्य होनी चाहिये, चाहे तो राज्य उसमें बीच में दखल दे या कोई कानून की शकल हो जिससे कि वकीलों की और एडवोकेट्स की फीस की कोई सीमा बांधी जा सके । आज देखने में यह आता है कि बड़े वकीलों को अगर चैक से पेमेंट किया जाय तो ज्यादा पैसे देने पड़ते हैं लेकिन अगर कैश की सूरत में पे किया जाय तो कम पैसों में ही काम चल जाया करता है । अब यह इस वजह से होता है कि वे कुछ पैसा इन्कमटैक्स देने से बचा सकें । मैं समझता हूं कि इस तरह से एक भ्रष्टाचार उस वर्ग द्वारा किया जाता है जिससे कि आशा की जाती है कि वह देश को नेतृत्व देंगे और देश के नेता उसमें से निकलेंगे । अब आप ही सोचिये कि ऐडवोकेट्स और वकील लोग ही इस तरह की गड़बड़ी करें और इनकमटैक्स की चोरी करने का प्रयत्न करें तो उनसे कैसे इस बात की आशा की जा सकती है कि वह मुल्क को सही नेतृत्व प्रदान कर सकेंगे और देश का सही मार्गदर्शन कर सकेंगे ? इसलिये इस कानून में कोई इस प्रकार की व्यवस्था होनी चाहिये, जिससे इस संबंध में कोई सीमा बांधी जा सके ।

13 hrs.

जहां तक कानून की शिक्षा का सवाल है, मैं समझता हूं कि ज्वायंट सिलेक्ट कमेटी ने इस विषय की ओर काफी ध्यान दिया है, लेकिन फिर भी शिक्षा के बारे में जो व्यवस्था की जाने को है, वह समय के अनुसार काफी नहीं है । मैं चाहूंगा कि इस तरफ सरकार का अधिक ध्यान जाये और इस तरह की व्यवस्था हो कि कानून पढ़ने वाले लोग वास्तव में कानून के पंडित बन सकें और उन्हें न सिर्फ अपने राष्ट्र के कानून का, बल्कि संसार के दूसरे देशों के कानूनों का भी अच्छा ज्ञान हो । कानून की

शिक्षा के इस तरह के कोर्सिज तैयार हों कि वे लोग आज की पृष्ठभूमि में दुनिया की वर्तमान परिस्थितियों का अध्ययन कर सकें। मुझे ऐसा लगता है कि इस संबंध में जो व्यवस्था की जा रही है, वह सन्तोषजनक नहीं होगी और मैं चाहूंगा कि उसको अधिक सन्तोषजनक बनाये जाने का प्रयत्न किया जाये।

मैं आशा करता हूं कि सारे हिन्दुस्तान का जो यूनिफाइड बार—सम्मिलित बार—बनाया जा रहा है, उसके रास्ते में कोई रुकावटें नहीं आयेंगी और उसमें ऐसी कोई राजनीति व्याप्त नहीं हो जायगी, जिस की अक्सर लोग आशंका करते हैं। हम देखते हैं कि चुनी हुई संस्थाओं में गुटबन्दी, ग्रुपबन्दी और पार्टीबाजी चला करती है। मैं आशा करता हूं कि राज्यों में या आल-इंडिया स्तर पर जो बार कौंसिल बनेगी, उसमें इस तरह की गुटबन्दी नहीं होगी और अगर होती है, तो सरकार उस पर निरीक्षण रखेगी और यह देखेगी कि कहीं भी गुटों के आधार पर यह बार कौंसिल न चले, जिससे उस का लक्ष्य कहीं पीछे पड़ जाये और पूरा न हो सके।

एक और बात की तरफ ज्वायंट सिलेक्ट कमेटी ने ध्यान दिलाया है और मैं भी उसको दोहराना चाहता हूं। वकालत के पेशे में कुछ लोग, कुछ ऐडवोकेट्स, ऐसे होते हैं, जिनको काम नहीं मिलता है, जबकि कुछ को बहुत अधिक काम होता है, जिसको वे सन्तोषजनक रूप से और उस के साथ न्याय करते हुये पूरा नहीं कर सकते हैं। इस तरह की भी व्यवस्था होनी चाहिये—चाहे वह लोगों को इकट्ठा कर के हो, फर्म या ग्रुप बना कर हो, जैसे भी हो—कि जो लोग इस पेशे में प्रवेश पाते हैं, उनको कुछ न कुछ काम मिल सके, ताकि उनकी रोजी का गुजारा हो सके।

बहुत दिन तक इस पेशे में काम करते रहने के बाद जो लोग असमर्थ और अक्षम हो जाते हैं, जिन में काम करने की क्षमता नहीं रह जाती है, उनके लिये भी कुछ व्यवस्था होनी चाहिये, जिससे ऐसा न हो कि जिन्दगी के आखिरी दिनों में, जबकि वे कोई काम नहीं कर सकते हैं, वे अपना गुजारा न कर सकें। मैं चाहूंगा कि सरकार इस पर विचार करेगी और इस संबंध में कोई फंड कायम करने की कोशिश करेगी।

अगर मोटे तौर से देखें, तो यह बिल स्वागत करने योग्य है, लेकिन अगर कुछ बातों पर, जिनकी तरफ मैंने इस सदन का ध्यान दिलाया है, सरकार पुनर्विचार करके कोई निश्चय करे, तो मैं समझता हूं कि इसको और भी संशोधित, उपयोगी और अच्छा बनाया जा सकता है। मैं आशा करता हूं कि सरकार इन बातों पर ध्यान देगी।

Shri Oza (Zalawad): Mr. Speaker, Sir, so far, so many lawyer and non-lawyer friends have participated in this debate. Being of the profession and still not being too much in it nowadays, I think I am in a position to take a more detached view of the thing and, perhaps, a more realistic view also.

Since we are discussing the Legal Practitioners' Bill, I think we should view these provisions from that point of view. We should not take an ostrich-like attitude. I would request my lawyer friends here to see themselves as others see them and not be under any illusion. It is true that this profession is styled as a noble profession. But, we should ask a question to ourselves whether it is practised nobly nowadays. It is no use the lawyers simply taking the satisfaction that they are associated with a very noble profession. Of course, it is a noble profession. But, as I said, can we take the satisfaction that it is being practised nobly nowadays? If we are under any delusion, I think, the time has come for introspection inasmuch as we should try to see ourselves as others see us so that we can arrive at a correct solution so far as this profession is concerned.

[Shri Oza]

As was pointed out, it is also true that after all the society in which we are living is bound to be reflected in this profession also. We cannot expect, as has been said, a moral man in an immoral society. But, at the same time, being associated with what we usually call temples of justice and all very high-sounding words, I think our duty becomes very grave and very enhanced from that point of view. Therefore, we should examine the provisions of this Bill, broadly speaking, from the social point of view and not only from a particular profession's point of view.

It is a profession and not a trade or business. But, have we allowed it to remain as a profession? As has been pointed out by the Law Commission in its report at various places, I think we should deeply examine the question and find out what is the malady that is afflicting this profession which is inherently very sound.

This brings me immediately to the question of discipline. In the name of autonomy we have not associated the Members of Bench, that is, the High Court Judges, with the Bar Councils. The Bar Councils alone will now be taking disciplinary action whenever it is necessary. What has the Law Commission observed in this respect? Referring to the vice of toutism, at page 578 of *the Law Commission's Report*, Volume I, it has been observed:

> "Notwithstanding the view expressed by the Bar Committee that the Bar Councils should take steps to eradicate the evil and their hope that the Bar Councils would make the eradication of this evil their principal concern, it does not appear that they have attempted to take any steps in this direction."

No attempt even has been made by Bar Councils, where the High Court Judges are associated, yet to take any step to make eradicate this evil of toutism and other evils afflicting this profession.

Now, after having taken out the Judges from the Bar Councils, do we expect that the members of the Bar Councils themselves would be able to take disciplinary action in the present context? So, I am of the view that we should continue to associate the High Court Judges in these Bar Councils. Unless we do so, I do not think that we would be able to raise the standards in the profession. Today, as matters stand, we should recognise that it is the High Court and the High Court alone which is the hope for raising the standards and for maintaining the standards and for lifting the whole thing out of the quagmire in which the judicial institutions are today.

I do not think that in the name of autonomy we should invest the Bar Councils with so many powers. As I said I belong to the profession; but still I am afraid. The Bar Council at Bombay or here and there may be very powerful; but, speaking largely, I am not in a position to assert that all the Bar Councils would be able to take disciplinary action, when no attempt has been made so far to remove the evils. So, I would humbly suggest that we should continue to associate the High Court Judges with the Bar Councils. They would be able to give a tone to the whole profession and lift the morale which is very necessary today in the present circumstances.

This brings me to the question of enrolment. Much has been said about the conditions of enrolment and all that. Here also the Law Commission has made very nice observations and we should not ignore them. I am not able to lay my hand on the page, but it is said that the main cause of these things is that junior lawyers and many lawyers of long standing also do not find sufficient means of sustenance out of this profession. If we go to the law courts, we find so many young people moving from court to court, absolutely frustrated. When they are young and energetic and enthusiastic, they can do so much work but then they are denied work. For the first

five or ten years after a person has left a university he is denied work. That condition has led to toutism and the other defects observed by the Law Commission. But that persists even after a man becomes a senior advocate; he cannot get out of that evil once he has adopted that; he finds it very difficult to eschew it. Once a man is enrolled as an advocate we should make some provision to see that he is given some amount to keep him going. If you want to tackle this problem definitely and in the correct manner, then the Government should start paying him at least Rs. 150 or so till he starts paying income-tax. Only then, because of the security, he will be able to bring out his best and learn the profession correctly, and not indulge in malpractices. Unless he is provided with some security for a minimum period of, say, five years, we should not blame him for indulging in malpractices. The family has imparted such high education; naturally it is expected that he will start earning. But as we know today, it is difficult to earn immediately when a man starts. Unless we give him some social security for some years or till he starts paying income tax, I do not think we should expect high moral standards of the profession from him. As was pointed out by Shri Khadilkar, it is no use denying all these problems. Unless we go to the root of these problems, I do not think it is possible to eradicate all these evils. The lawyers are to play a very important role in this effort and unless junior lawyers are given some social security in the beginning of their career so that they can devote their time to more useful pursuits, it will be difficult. Government can take work from them while paying them. They can assign some work to them. Unless that facility is given, I am afraid we will not be able to raise the standards of the profession.

Much has been said about the dual system. This system is prevailing in two cities—Calcutta and Bombay. Personally speaking, I am very much against this system; it is a very costly system and it also results in a lot of delay. There are so many other cities like Bombay and Calcutta where trading and other activities are taking place and in such cities, even though this dual system is not prevalent, the litigation is not suffering. On the contrary, perhaps it is cheaper than in other places like Bombay and Calcutta. Certain persons are accustomed to that way of practice and they are unable to extricate themselves from this line of thinking. Looking to the conditions in the country, what we require is a very simple system. When this system is not prevailing in other commercial and industrial cities of India, I do not think it is necessary to continue these institutions in the cities of Calcutta and Bombay.

I want the explanation of the hon. Minister about one more point. In clause 30 it is said:

> "(1) Every advocate whose name is entered in the common roll shall be entitled as of right to practise throughout the territories to which this Act extends,—
>
> (i) in all courts including the Supreme Court;
>
> (ii) before any tribunal or person legally authorised to take evidence; and
>
> (iii) before any other authority or person before whom such advocate is by or under any law for the time being in force entitled to practise.
>
> (2) The right to practise conferred by sub-section (1) shall be subject to the restrictions imposed by articles 124 and 220 of the Constitution."

In the previous provision, it is said that an advocate who is enrolled in the State bar council is entitled to practise. In the present circumstances, a High Court pleader or the pleader who is not a graduate is not entitled to practise because by the rules framed under articles 124 and 220 the Supreme Court has debarred them from practising.

The Deputy Minister of Law (Shri Hajarnavis): The rules are not made under article 124.

Mr. Speaker: The hon. Member may conclude now.

Shri Oza: If this provision is removed, advocates who do not hold degrees will also be entitled to practise in the Supreme Courts. If the advocates not having law degrees are not entitled to practise in the Supreme Courts or to continue practise the position may be reviewed.

Shri Shankaraiya (Mysore): Sir, the Bill as it has emerged from the Joint Committee has got many improvements and the Committee is to be congratulated on the improvements made upon the original Bill. The long cherished idea of having a united bar and independent and autonomous bar will become a fact when this becomes an Act. When these bar councils are established and they get into working, they will be discharging a duty, apart from the functions that have been enumerated in clauses 6 and 7. I feel that the powers and functions entrusted to these bar councils cannot be adequate enough to meet the requirements of the present day social changes and administration.

The change that is required in our country is to be in the judicial system itself. The judiciary is no doubt efficient and independent and it has won the respect and it is called the higest temple of justice. We have the greatest regard for our judiciary. But it is a foreign system. Our indigenous system is different. A new system of administration of justice should be devised and the Government should take immediate steps to see that the judiciary is completely modernised to fit in with our circumstances and our social conditions so that it may work out much cheaper and with less delay. This Bill may not improve matters in that regard. But the public and the society are suffering on account of the tardiness and costliness of the judicial system and the delay in judicial decisions. That is delay in judicial decisions. That is main problem to be dealt with. I hope the Government will pay immediate attention to this aspect of the matter.

The bar councils have been asked to promote and support law reforms and in clause 6(2) they are asked to give assistance to indigent or disabled advocates. This is a good thing. But apart from this the Joint Committee ought to have insisted or made it an obligatory duty on the bar councils to give free legal assistance to the really poor people. There have been legal aid societies. They are independent societies and they are doing this duty. Many of the bar associations are doing this duty. But if that duty had been embodied in the provisions and made compulsory on the part of the Bar Councils, then, in many of the cases where justice could not be had because of the lack of proper assistance, because of the lack of financial assistance and other facilities, those people could get justice. That is the main function of the Bar Councils. If this provision had been added and made compulsory, these Bar Councils would have done a great service. Even now, even though it is out of their own purview, I hope the Bar Councils will pay more attention towards giving assistance to the really needy, poor and disabled persons.

As regards the fee that is levied for enrolling oneself, the Joint Committee has reduced it from Rs. 500 to Rs. 250. According to the Bill, the Joint Committee has insisted on a training course for a particular period that has to be prescribed by the Bar Councils, and then an examination will be held and those who pass the examination should be enrolled as advocates. Now, no other profession in India is asked to pay such a huge sum. Somehow, this practice has come into the legal profession. Many of us have paid Rs. 300 or Rs. 500. The amount differs from State to State, and the practice is different from State to State. But in no other profession including the profession of chartered accountants, or cost accountants is such a feelevied. It is only

in the legal profession that a fee of Rs. 250 or Rs. 500 is levied. In some cases it is Rs. 1,000. This fee of Rs. 250 is too much. It must be reduced to at least Rs. 50. Why I ask for this reduction is because of this: there are two grounds. Firstly, it is very costly; those who take up the legal profession will have to put in some period of training, after getting the law degree, and during the period of training they will not be earning anything. As we know the seniors will not be paying them anything. Then, after the period of training, they have to take an examination. The period of training may be two or three years, which may be prescribed. During the period of training he will not get anything. After having spent so much money in getting a degree and during the period of training, and after maintaining himself in an unemployed position for nearly two or three years, he is asked to pay again a sum of Rs. 250. That will be taxing too much. The parents may or may not be willing to pay it especially when they had exhausted all their resources in getting their boy educated. To pay Rs. 250 at that stage would be too much. Therefore, the amount should be just the absolute minimum, as far as possible.

Mr. Speaker: Further, when they are asked to file a vakalath, the court-fees have to be paid. For each case, wherever the lawyer appears, he has to pay some stamp duty in respect of the vakalath. Why should it be charged? It is an old practice. Many a young man, after having spent all his money, finds it very difficult to pay. And after the Dowry Bill is passed, he canot ask his father-in-law to pay, say, Rs. 800. Therefore, he is neither here nor there. I think the Government may consider it. After all, of all these learned professions, why make this profession rather mercenary?

Shri Hajarnavis: We have sympathy for them. But, as I said in my opening speech, yesterday, we have no power. The matter falls strictly within the legislative competence of the States.

Shri Ram Krishan Gupta (Mahendragarh): That is doubtful.

Shri Hajarnavis: We join our voice with this request.

Mr. Speaker: Is there any fee charged by the Central Bar Council the all-India Bar?

Shri Hajarnavis: Rs. 250 is the fee and a portion of that will be transferred to the Bar Council of India. Rs. 250 is the all-inclusive fee.

Mr. Speaker: Is it left to the States?

Shri Hajarnavis: The State Bar Councils will have to get Rs. 250, but....

Mr. Speaker: But a sensible Bar Council will not have any objection if it is exempted.

Shri Hajarnavis: If the States do not charge any fees, we shall be glad. After all, what is the revenue that is collected, and how many new lawyers are enrolled every year? I do not think it makes a very impressive contribution to the States exchequer.

Mr. Speaker: The hon. Minister will write to them through his senior Minister. It is the general wish of all hon. Members here, who have taken part in the discussion, that the fee should be reduced or abolished.

Shri Hajarnavis: Certainly; it will be our privilege to carry out your direction.

Shri Shankaraiya: In addition to this sum of Rs. 250, they will have to pay a stamp duty. Many hon. Members have referred to it and I therefore do not want to refer to it again.

Mr. Speaker: What is the stamp duty?

Shri Shankaraiya: In some States it is Rs. 500. It differs from State to State, I think.

Shri Ram Krishan Gupta: Rs. 750 in some States and also Rs. 1,000 in some States.

Mr. Speaker: Is it apart from the fee for enrolment?

Shri Ram Krishan Gupta: Yes; apart from the enrolment fee.

Shri Sinhasan Singh (Gorakhpur): For the Bar Council of India, it is Rs. 250. The States charge differently. The amount ranges from Rs. 500 to even Rs. 1,000.

Shri Ram Krishan Gupta: It goes up to Rs. 1,000 also.

Shri Tyagi (Dehra Dun): Everybody in the profession pays. What is the harm in the Government realising this amount?

Mr. Speaker: Hon. Member is not a lawyer.

Shri Tyagi: My opinion is very dispassionate.

Shri Shankaraiya: I am explaining the hardship that has been caused to the law graduates on this score. There is also another aspect. Even after enrolling himself by paying Rs. 250, to pick up practice and to get into the forum of courts and reach the earning capacity, he must wait for another two, three or four years, according to his luck. Therefore, from all aspects, the levying of this additional sum of Rs. 250 will prove a very great hardship and so the amount should be curtailed.

Another disservice that the Government will be doing by levying this fee is, they will be actually prohibiting people from joining this profession. What the graduates generally do nowadays is, after getting the B.A. or B.Sc. degree they get into a law college, take a law degree and begin to practise. But mere book knowledge by getting a degree is not enough. He will not have enough equipment and he will not have the power of interpretation, the legal mindedness, etc. He will not have any idea of procedural law. It is only when he practises under a particular person and gets into the profession that he will be able to acquaint himself with procedural law and the method of interpretation of the laws and get a judicial frame of mind. Some of them, while practising, may be having an eye to get into the service, either private service or Government service. When they have got this legal knowledge and this practical training, it will be an advantage to the employer to have such people with mature knowledge. It is common experience as we know, that some of them meet the people in the administration which passes so many laws. Now, so many laws are being delegated to the States. We have got so much of delegated legislation and that is interpreted by the officers, and if experienced people who have the legal frame of mind are drafted to the departments, then there will be an increase in efficiency. But all this will be deprived if a fee of Rs. 250 is levied and thus making it difficult for them to get into practice.

Mr. Speaker: The hon. Member's time is up.

Shri Shankaraiya: Only one more point, Sir. It is insisted that after the period of training under a senior advocate or an advocate, the person has to undergo an examination. Having passed a law examination—when the prescribed minimum qualification for an advocate is a law degree—and when the person has got the practical training for a particular period, there is no necessity of having an examination at all. That will make him unnecessarily dejected and it will create a feeling of aversion to get into the profession, especially when he has gone through all these ordeals. Therefore, I feel that the examination is not necessary. Of course, the insistence on a degree is quite necessary. Otherwise, he will not have that practical knowledge. The period of training is also necessary, but the examination should be done away with.

Mr. Speaker: Is there any fee charged by the senior advocate from the junior who starts as an apprentice?

In my parts, Rs. 3000 or Rs. 4000 is charged.

Shri A. K. Sen: No, Sir; it is only in England that when a student joins somebody's chamber, before he is called to the bar, he has to pay a fee. In decent chambers, the fee is always 100 guineas.

Mr. Speaker: Is there any prohibition against this in the Bill?

Shri A. K. Sen: No.

Mr. Speaker: So, they can charge even now.

Shri A. K. Sen: Usually in this country, I do not think any such fee is being charged anywhere.

Shri Amjad Ali (Dhubri): There is provision in the existing Act that article clerks have to pay Rs. 50 to the senior to whom he is attached before getting the certificate.

Mr. Speaker: I am not talking of article clerks; I am talking of apprentices.

Shri A. K. Sen: In our parts, I do not think there is any such practice in Southern India.

Shri Mulchand Dube: There is a fee, but it is never charged.

Shri A. K. Sen: I do not know if any senior practitioner charges any fees from article clerks.

Shri Nathwani (Sorath): There is no such practice in Bombay.

Shri A. K. Sen: Nor in Calcutta. I know about the High Courts of Patna, Allahabad and Punjab also. I do not think any such fee is being charged. But there is nothing professionally incorrect in charging the fee. It is much better to do so rather than have a bite from the junior's share of the fees. In England it is a regular practice. No decent chamber would take people unless they pay 100 guineas.

Shri J. B. S. Bist: In Almora and Naini Tal they have introduced this system. When one passes and qualifies himself, he as a junior takes training under a senior. There is a fixed fee for it. It is only after the certificate of fitness of the senior that he is allowed to appear in courts.

Mr. Speaker: The hon. Law Minister will watch. If there is any abuse, he will come with an amendment.

Shri A. K. Sen: The Bar Council itself can do so later. We are giving them large powers for autonomous administration. I think this matter should be left to the Bar rather than being dealt with in Parliament.

श्री सिंहासन सिंह : अध्यक्ष महोदय, यह विधेयक जो आज सदन के सामने उपस्थित है उसके लिये काफी साधुवाद दिया गया कि बहुत दिनों का अपेक्षित विधेयक हमारे सामने उपस्थित किया गया । इस सम्बन्ध में मुझे दो चार शब्द कहने हैं । क्या इस विधेयक की उतनी आवश्यकता थी जितनी कि देश के सामने आज और विधेयकों की आवश्यकता है । अभी हाल में हमारे एक हाईकोर्ट के जज ने बड़े सुन्दर शब्दों में हमारे न्याय के सम्बन्ध में अपने विचार प्रकट करते हुए कहा है कि इस देश में न्याय उन्हीं को सुलभ हो सकता है जो अशोका होटल में रह सकते हैं । यानी आज इस देश में गरीबों को न्याय सुलभ नहीं है । तो उचित तो यह था कि सरकार पहले इस पर विचार करती और कांस्टीट्यूशन में भी यह रखा गया है कि न्याय को सुलभ करेंगे और सब के लिये सुगम करेंगे और न्याय के लिये चार्जेज नहीं लेंगे, लेकिन आज कदम कदम पर न्याय के लिये खर्चा करना पड़ता है और गरीब तो न्याय के दरवाजे तक पहुंच ही नहीं सकता । सुप्रीम कोर्ट तक जाना तो मुहाल है हाई कोर्ट तक ही जाने में बड़ी दिक्कतें हैं । तो आवश्यकता तो यह थी कि पहले इस पर विचार करते । यह प्रश्न सदन के सामने और ला मिनिस्टर के

[श्री सिंहासन सिंह]

सामने भी यहां लाया गया कि गरीबों को राहत देने के लिये या सही कानूनी सलाह देने के लिये सरकार ने कोई कदम उठाया होता। कुछ राज्यों में इस दिशा में कुछ किया गया है लेकिन फिर भी कोर्टफीस आदि की बड़ी खर्चीली व्यवस्था है और गरीबों को मुफ्त कानूनी सलाह देने के लिये कोई व्यवस्था नहीं है। हम आज यह विधेयक तो पास करेंगे, लेकिन मेरा अनुरोध है कि इस पर भी विचार करें कि हम जनता को न्याय पाने में सहूलियत दें और न्याय को सस्ता बनावें जिसके बिना जनता में त्राहि त्राहि मच रही है। और जब यह खर्चीली व्यवस्था कायम है तब तक उन गरीबों के लिये जो कि पैसा न होने के कारण वकील नहीं कर सकते उनको मुफ्त कानूनी सलाह देने की व्यवस्था की जाये।

इस के बाद मैं आपका ध्यान स्टाम्प ड्यूटी की तरफ आकर्षित करना चाहता हूं। अभी आपने पूछा कि क्या कोई स्टाम्प ड्यूटी इसके अलावा भी स्टेट्स में ली जाती है। मैं अर्ज करना चाहता हूं कि प्रवर समिति ने इस पर विचार करते हुए कहा है कि यह जो ड्यूटी ली जाती है यह डाउटफुल है। प्रवर समिति की रिपोर्ट में लिखा है

"While a provision in the Bill in this behalf may be of doubtful validity in view of the distribution in the Constitution of legislative powers relating to stamp duty, the Committee recommend that the State Governments might be persuaded to take such action as may be necessary so that no stamp duty, in addition to the fee payable under this Bill, is levied on the admission of advocates."

मेरा सबमिशन है कि अगर वकीलों के प्रवेश के लिये स्टाम्प ड्यूटी देना डाउटफुल है तो इस डाउट को रिमूव किया जाना चाहिये इस विधेयक को लाने के पहले इस शक को दूर कर लेना चाहिये था, आपको इसके लिये एडवोकेट जनरल या एटारनी जनरल की सलाह लेनी चाहिये थी ताकि यह शक दूर किया जा सकता। मैं अर्ज करना चाहता हूं कि इसमें शक कोई नहीं है। यह लीगल प्राफेशन कानकरेंट लिस्ट में आता है।

Shri Narayanankutty Menon: The question is about stamp duty.

Shri Amjad Ali: That is a State subject.

श्री सिंहासन सिंह : डाकूमेंट्स पर स्टाम्प ड्यूटी लेने का कुछ अधिकार स्टेट्स को है और कुछ सेंटर को भी है। लेकिन वकीलों को प्रेक्टिस करने के लिये जो सनद मिलती है क्या वह कोई डाकूमेंट है, या सार्टिफिकेट है या लाइसेंस है। डाकूमेंट तो वह नहीं कहा जा सकता क्योंकि उसको और डाकूमेंट्स की तरह अदालत में दाखिल नहीं करना होता। वह तो एक लाइसेंस है। तो इस फी को लाइसेंस फी कहा जा सकता है न कि स्टाम्प ड्यूटी। स्टाम्प ड्यूटी की परिभाषा दी हुई है स्टेट लिस्ट में और सेंटर की लिस्ट में भी। लिस्ट १ की एंट्री नम्बर ९१ में दिया हुआ है :

"Rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts."

और लिस्ट २ की एंट्री नम्बर ६३ में इस प्रकार दिया गया है :

"Rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty."

लिस्ट २ की एंट्री नम्बर ६० में दिया हुआ है :

"Taxes on professions, trades, callings and employments."

लेकिन यह कोई टैक्स तो है नहीं । तो फिर यह रुपया किस लिये लिया जाता है । डाकूमेंट यह है नहीं । अगर इसको लाइसेंस माना जाय तो इस पर स्टाम्प ड्यटी नहीं लग सकती या इस पर ड्यूटी लगनी चाहिये यह तै करना होगा । यूनियन लिस्ट में बिल्स, हुंडीज वगैरह पर स्टाम्प ड्यूटी के लिये प्रावीजन है । लेकिन उसमें यह नहीं आता । तो फिर यह जो स्टाम्प ड्यूटी ली जा रही है यह किस में आती है । लीगल और मैडीकल प्राफेशन स्टेट लिस्ट में भी आता है और कानकरेंट लिस्ट में भी आता है । हम अब कानून बना रहे हैं लीगल प्राफेशन के लिये कि कौन इसमें रहे और कौन न रहे और कैसे रहे । तो मेरा निवेदन है कि जो कानून बनाया जाये वह समुचित रूप से सर्वांगीण होना चाहिये । आपने बार काउंसिल के लिये तो २५० रुपये रखा लेकिन गवर्नमेंट को भी मिलना चाहिये या नहीं इस पर आप डाउटफुल हैं । तो इस शक को दूर करना चाहिये । अब आप कानून बना रहे हैं कि कौन प्रैक्टिस करेगा और कौन नहीं करेगा । हम देखते हैं कि चारटर्ड एकाउटेंट भी प्रैक्टिस करते हैं । उन को स्टाम्प ड्यूटी देनी पड़ती है या नहीं यह मुझे नहीं मालूम । और लोग भी दूसरे व्यवसाय करते हैं । इसी तरह यह भी एक व्यवसाय है । अभी कल हमने इमेंशियल कमोडिटीज बिल पास किया कि जो परमिट ले उससे सीक्योरिटी डिपाजिट लिया जाये । तो क्या यह हमसे सीक्योरिटी डिपाजिट लिया जाता है मैं चाहता हूं कि इस पर विचार करके इसको निश्चित किया जाये । जब यह इस हाउस से राज्य सभा में जाये तो इस पर विचार करके इसको कम्पलीट कानून बनाया जाये । मैं चाहता हूं कि केन्द्रीय सरकार प्रदेश सरकारों से सिफारिश करे—आपने कहा है कि हम लिखेंगे—आप उनसे इस्तदुआ करें कि इस स्टाम्प ड्यूटी को माफ करो और साथ ही आप देख लें कि आपके अधिकार में यह आती है या नहीं । मेरे खयाल से तो यह आपके अधिकार में आती है ।

अब मैं दूसरी बात यह कहना चाहता हूं कि इस दफा २४ पर मुझे कुछ ऐतराज है । हमारे कानून मंत्री खुद एक बैरिस्टर हैं । कल एक हमारे बैरिस्टर मित्र श्री गुप्ता ने भी इसका विरोध किया और मैं उनका समर्थन करता हूं । इसमें आपने दिया है कि एडवोकेट के एनरोलमेंट के कौन-कौन अधिकारी हैं ।

"Persons who may be admitted as advocates on a State roll.".

इसमें आपने बैरिस्टरों को छूट दी है । ठीक है छूट दीजिए, लेकिन क्या हमारी यूनीवरसिटियों से जो डिग्री प्राप्त वकील हैं उनको भी इंग्लैंड में इस तरह की छूट है ।

आज हम इंगलैंड की मातहती में नहीं हैं । किसी समय अलबत्ता हमारा देश इगलैंड के अधीन था । उस समय हमारे कुछ भाई इंगलैंड में जाकर बैरिस्टरी की ट्रेनिंग लेते थे और वहां से बैरिस्टर बन कर लौटते थे । लेकिन आज तो हालात बदल चुके हैं और हम और इंगलैंड दोनों स्वतंत्र राष्ट्र हैं और एक दूसरे के मातहत नहीं हैं । हम एक दूसरे के मित्र हैं । ऐसी हा त में मेरी यह चीज समझ में नहीं आती कि वहां का बैरिस्टरी पास किया हुआ व्यक्ति यहां तो बैरिस्टरी करने के लिए इनटाइटेल्ड है लेकिन हमारे वहां का ला ग्रैजुएट वहा इंगलैंड में बैरिस्टरी करने के लिए इनटाइटैल्ड नहीं है ....

Shri A. K. Sen: I took up the matter with the authorities in England. I shall be making some announcement in regard to that.

श्री सि. रासन सिंह: अब अगर यह हो गया है तब तो मुझे कोई ऐतराज नहीं है । अब जैसा कि आप कहते हैं अगर ऐसा हो गया है तो मैं अपनी उस आपत्ति को वापिस लेता हूं लेकिन जब तक वह नहीं होती है तब तक के लिए यह आपत्ति वहां पर मेरी मौजूद है । हमारे में समता

[श्री सिंहासन सिंह]

ही विषमता न हो और इसलिए यह इंगलैंड जाने या न जाने की विषमता और वहां से पास करने या न करने की विषमता नहीं रहनी चाहिए और इसको हटना चाहिए और समता आनी चाहिए ।

Shri Amjad Ali: What about other countries?

श्री सिंहासन सिंह : दूसरी बात इस सम्बन्ध में एक और है जिसकी कि ओर मैं इशारा करना चाहता हूं और वह क्लाज नम्बर २४ का पार्ट डी० है जोंकि इस प्रकार है:—

"he has undergone a course of training in law and passed an examination after such training both of which shall be prescribed by the State Bar Council."

वकालत की सनद हासिल कर लेने के बाद भी उसको ट्रेनिंग लेनी पड़ेगी । अब ट्रेनिंग आज भी है लेकिन कोई ऐग्जामिनेशन नहीं है । अब आप यह प्रैक्टिकल ट्रेनिंग रख रहे हैं जिसका कि इम्तिहान पास करो क बाद वह इन-टाइटिल्ड हो सकेगा लेकिन इसके ब खिलाफ जो इंगलैंड से बैरिस्टर पास कर आये हैं उनके लिए इस प्रैक्टिकल ट्रेनिंग का इम्ति ान पास करने की जरूरत नहीं है. . . .

Shri A. K. Sen: Provided that this clause shall not apply to a barrister who has received practical training in England. It is in the Bill itself.

श्री सिंहासन सिंह : प्रैक्टिकल ट्रेनिंग ले ली है तो मुझे इस पर कोई ऐतराज नहीं है । मेरा तो ऐतराज यह है कि इन दोनों के बीच में यह फर्क क्यों किया जा रहा है ?

आजकल कानून की जो शिक्षा मिल रही है वह अधूरी है, और सस्ती सी हो गई है और महंगी भी है । पार्ट टाईम टीचर्स आते हैं और पार्ट टाईम विद्यार्थी रहते हैं । अध्यापक जो पढ़ाने वाले है वे भी पार्ट टाईम होते हैं और जो पढ़ने वाले हैं वह भी पार्ट टाईम होते हैं और जाकर प्रोक्सी से इम्तिहान पास कर लेते हैं । ऐसे आदमियों की संख्या आप बढ़ाते जा रहे हैं और हो यह रहा है कि जिन्हें और कोई प्रोफेशन में जगह नहीं मिलती एम्पलायमेंट नहीं मिलता वह इसमें चले आते हैं । टीचरी और वकालत यह दो रास्ते ऐसे लोगों के वास्ते खुले हुए हैं ।

बिल में यह क्लाज रक्खा गया है कि इस वकालत के पेशे में उन्हीं युनिवर्सिटियों से डिग्री याफ्ता विद्यार्थियों को ऐडमिट करेंगे जिनको कि बार कौंसिल रेक्गनाइज करेगी । अब बार कौंसिल को रेक्गनाइज करते वक्त यह देखना चाहिए कि युनिवरसिटियों और कालिजों में लीगल टीचिंग की क्या हालत हो गई है । अब मैं आपको बतलाऊं कि युनिवरसिटियों और कालिजों में यह लीगल टीचिंग एक विजनैस सा हो गया है, एक व्यवसाय सा हो गया है । दो, तीन प्रोफेसर्स पार्ट टाइम रख लिये जाते हैं और फीस की शक्ल में काफी रुपया मिल जाता है । काफी लोग फीस देने के लिए मिल जाते हैं और कई कालिजों की यह आमदनी का एक जरिया हो गया है । लड़के भी पार्ट टाईम बेसिस पर आते हैं । दिन भर काम करत हैं और फीस देकर पार्ट टाईम बेसिस पर इसमें भी नाम लिखा लेते हैं । अब मेरा निवेदन यह है कि यह वकालत की पढ़ाई पार्ट टाईम बेसिस पर नहीं चलनी चाहिए । पूरे तरीके से लोग जो आयें वे अध्ययन करें । यह जो आनरेबुल प्रोफेशन कहलाता है तो इस बात का ध्यान रखना चाहिए । कि इसमें अध्ययनशील पुरुष आयें और कायदे से इसकी पढ़ाई चले । मेरा विचार है कि

आप इसका खयाल रक्खेंगे। हर एक कालिज की ला डिग्री रेक्गनाइज्ड नहीं है...

अध्यक्ष महोदय : क्या माननीय सदस्य गरीबों को वकालत पढ़ने का मौका नहीं देना चाहते हैं ?

श्री सिंहासन सिंह : गरीबों को हम अवश्य अवसर देना चाहते हैं लेकिन वह पढ़ें तो सही । हमें चाहिए कि वह गरीब विद्यार्थी जो कि ला पढ़ना चाहते हैं उनकी फीस माफ हो जाय । यह सही बात है कि गरीब विद्यार्थियों के लिए अपना गुजारा चलाना मुश्किल है और मैं चाहता हूं कि ऐसे गरीब विद्यार्थियों की फीस माफ कर दी जाय । लेकिन आज हम देखते हैं कि बड़ी गड़बड़ी चलती है प्रौक्सी से पास करके आ जाते हैं और ऐसे लोग बड़ी गड़बड़ी कर रहे हैं । आज इसके कारण हमारे पेशे की कोई वुकअत नहीं रह गई है और आज इतने आदमी पढ़ गये हैं कि आपस में एक होड़ हो गई है और होड़ होने से बड़ी गड़बड़ी होती है . . .

अध्यक्ष महोदय : बी०ए० पास करने के बाद उनको अपना गुजारा चलाना मुश्किल हो जाता है इसलिए वह पार्ट टाईम काम करते हैं और ला पढ़ते हैं । अब हमारे देश में ९० फीसदी लोग गरीब हैं ।

श्री सिंहासन सिंह : मैं उस पर आ रहा हूं । मैं चाहता हूं कि गरीबों की फीस माफ कर दी जाय और उनको अन्य सुविधाएं मिलनी चाहिएं । अब मेरा तो कहना यह है कि आप यह कानून पास करके गरीबों को इस पेशे में आने से महरूम कर रहे हैं । अब आप ही देखिये पहले तो लोग २५ रुपया सालाना दे कर वकालत पढ़ लिया करते थे । पहले स्टाम्प ड्यूटी २५ रुपया थी अब आप स्टाम्प ड्यूटी के लिए २५० रुपये लेंगे और ५०० रुपया राज्य सरकार लेगी । इस तरह से ७५० रुपया देकर उसको ऐडवोकेट बनना पड़ेगा । अब आपके इस कानून के पास होने के बाद कोई आदमी ऐसा नहीं होगा जोकि ऐडवोकेट न हो और ऐडवोकेट होने के लिए उसे ७५० रुपये खर्च करने पड़ेंगे । अब इसको इतना ऐक्सपेंसिव बना कर गरीबों को महरूम कर रहे हैं और उनका रास्ता आप बंद कर रहे हैं । इसलिए मेरा निवेदन है कि यह २५० रुपये की स्टाम्प ड्यूटी को आप कम करें । इतनी भारी स्टाम्प ड्यूटी रख कर आप गरीबों का एक तरह से रास्ता ही बंद किये दे रहे हैं . . .

अध्यक्ष महोदय : उसको भी माफ कीजिये ।

श्री सिंहासन सिंह : स्टाम्प ड्यूटी माफ हो ताकि गरीबों के लिए इस पेशे में आने का रास्ता बना रहे ।

दूसरी बात यह है कि आपने इस बिल में जो यह प्राविजन रक्खा है कि इस कानून के पास होने के दो वर्ष के अन्दर तक प्रैक्टिसिंग प्लीडर्स और मुख्तार को इस बात की छूट दी गई है कि वह दो वर्ष के अन्दर अन्दर स्टाम्प ड्यूटी पे करके ऐडवोकेटस बन जांय, वह हमारे देश की आर्थिक हालत को देखते हुए काफी नहीं है । मैं चाहता हूं कि मंत्री महोदय इन बातों की तरफ ध्यान दें . . .

अध्यक्ष महोदय : माननीय सदस्य को बोलते हुए लगभग २० मिनट हो चुके हैं । उन्होंने १३-३० से बोलना शुरू किया था ।

श्री सिंहासन सिंह : बस मैं आपकी आज्ञा से केवल एक मिनट और लेकर समाप्त किये देता हूं ।

[श्री सिंहासन सिंह]

वकीलों की फीस के बारे में सदन में जो चर्चा हुई है कि वकील लोग फीस अधिक चार्ज करते हैं मैं भी उससे इत्तिफाक करता हूं । लेकिन इस राज्य में अधिक आमदनी पर तो रोक लगी हुई नहीं है, किसी की आमदनी पर रोक नहीं लगी हुई है । अब यह आमदनी पर रोक वकीलों से लगाया जाना शुरू किया जाय । इसके सम्बन्ध में कांस्टीट्यूशन के आर्टिकिल २२७ में है कि हाईकोर्ट वकीलों की फीस नियत कर सकते हैं और रूल्स में भी है । दीवानी के मुकदमे में ७ या साढ़े सात फीसदी लेते हैं लेकिन वकील लोग आधी लेते हैं । खैर आप वकीलों की आमदनी पर सीलिंग करें मुझे उसमें कोई ऐतराज नहीं है । लेकिन इसी के साथ मैं यह भी कहना चाहूंगा कि जहां बड़ी आमदनी वालों की सीमा बांधी जाय और हाईकोर्ट को चाहिए कि २२७ आर्टिकिल के अन्दर इसको साफ कर दें कि इससे अधिक कोई फीस नहीं लेगा लेकिन जहां मैक्सिमम लिमिट आप बांध रहे हैं वहां मिनिमम भी तय हो जानी चाहिए । अब वकीलों की कोई मिनिमम फिक्स नहीं है । मैक्सिमम और मिनिमम दोनों प्रोवाइड होनी चाहिएं । अब जिस वकील को एडवोकेट होने के लिए सर्टिफिकेट दे दें उसके लिए कम से कम डिसेंट लिविंग का तो इतजाम होना ही चाहिए और मैं तो कहूंगा कि सरकार उनको इस के वास्ते अगर जरूरी हो तो सबसिडी दे । उनको १५० या २०० रुपया महीना दें, कर्ज के रूप में सहायता दें ताकि वह अच्छे तरीके से ईमानदारी से अपना धंधा कर सकें और वह छोटेपन से कामन करें । इसलिए जहां आप मैक्सिमम सीमा बांधे वहां मिनिमम भी प्रोवाइड करें ताकि कम से कम जो आदमी सही तरीके से इस पेशे में आने को तैयार हों वह यह तो जान लें कि इतना मिनिमम उनको मिलने वाला है । जब तक कि लाइब्रेरी की ठीक स्टैंडिंग न हो उसके पास किताबें न हों और वकालत की दूसरी सामग्री न हो तो मुवक्किल उसके पास जाता नहीं है और उसका काम बनता नहीं । इसलिए यह जरूरी हो जाता है कि गवर्नमेंट इसके वास्ते उसे लोन दे । इस व्यवसाय को भी आवश्यकतानुसार लोन देने की सरकार व्यवस्था करे और जो शख्स इस लीगल प्रोफैशन को अपनाना चाहता है सरकार उसको लोन दे ताकि वह सही तरीके से अपने व्यवसाय को प्रारम्भ कर सके ।

Mr. Speaker: I will give an opportunity to Shri Basappa during the discussion on the clauses.

Shri A. K. Sen: Mr. Speaker, Sir, I am very glad to find that this Bill has received almost unanimous support from the House. In fact, the discussion has been very very fruitful and has only helped us to appreciate the nature of the Bill, as also to decide on the nature of the amendments which we are going to accept ultimately. I expected as much because this measure is long overdue. It has always been a matter of extreme regret to all of us that notwithstanding the fact that we achieved our independence about twelve years ago, and notwithstanding the fact that this country had one legal system and one system of courts, yet the legal profession is cut up into fragments, each State having its own bar and each State having, again, separate sets of legal practitioners. I have, therefore, not been surprised at all at the unanimous support which the Bill has received on the floor of this House and also from the Joint Committee. It is, therefore, to a few rather unimportant matters that I want to address myself, and those matters have really been emphasised in order to help us in formulating as perfect a Bill as possible.

May I take up, first of all, the points made by Shri Sinhasan Singh? He made a point which has been more or

less emphasized by a few other speakers, including Shri Khadilkar, who very eloquently supported the plea for the poor litigants. I agree with those who feel sympathy for the litigants who have not the means to avail themselves of the best legal assistance. For that purpose, the legal system that we have is not to blame, because there is no legal system in the world which can afford always the best assistance to the poor litigants free of cost. That is why the remedy has been found in other countries by evolving a system of legal aid to the poor, rather than trying to make the entire legal profession more or less a gratuitous profession. Let us not confound the two issues. There cannot be any noble profession, there cannot be any healthy tradition pertaining to any profession unless that profession has a cadre of able and devoted professionals who are always kept above the level of starvation. No profession can be a band of sanyasis; let us be quite clear about it, because the brotherhood of monks is quite different from a professional body. A professional body, in order to attain the highest professional standard, must necessarily be sustained by the requisite wherewithal necessary to keep the members of the profession above the point of starvation, above the point of temptation and above the point which possibly make it easier for a person to succumb to corrupt practices. That is why nowhere in the world has any profession been sought to be made gratuitous, but the rigour....

Mr. Speaker: Are the lawyers in the Communist countries paid?

Shri A. K. Sen: They are, and their fees are fairly well regulated.

Mr. Speaker: Are they paid by the State or by the litigants?

Shri A. K. Sen: Not by the State but by the litigants. I will tell you what their scheme is. They have a college of advocates in every place. I am talking of the Russian system which I had the opportunity of studying at close hands. They are called colleges of advocates.

Mr. Speaker: In place of our bar associations?

Shri A. K. Sen: Yes, similar to our bar association. Each city has its own college of advocates. So far as the rural areas are concerned, they have also their college of advocates. This college of advocates is more or less an autonomous institution and it run its affairs by a body elected from the college members themselves. Whoever wants a particular advocate or any advocate, he goes to the college and says "I want legal assistance". If he does not name the advocate, the college takes up the case and allots it to a particular advocate who has the requisite qualification to deal with the case. If an advocate is named, unless he is otherwise engaged, he is made available to the litigant, provided his fees are paid.

Mr. Speaker: But he must go only through the college of advocates?

Shri A. K. Sen: Yes, they can be approached only through the college of advocates.

Mr. Speaker: Irrespective of whether it is a junior or senior?

Shri A. K. Sen: Everyone. And there are advocates who are regarded as more senior and whose fees are more. There are advocates who are regarded as more junior, and their fees are less. But the wide disparity in fees as exists in this country, or in a country like England or America, does not obtain there. The range between the highest and the lowest is much close than it is here in this country. But that is a different matter.

Mr. Speaker: Are they regulated by law?

Shri A. K. Sen: The maximum and the minimum are regulated by the college itself, not by law. But they see to it that the advocates who belong

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to the colleges, as every one must, are fairly well paid so that they are not a starving set of professionals who just carry on their existence as that is most unhealthy for any profession. The first thing that is necessary for building up a good profession with good tradition is that its members must be kept above want, above the level which makes it easier for persons to succumb to corrupt practices. It is, therefore, a mistake....

Mr. Speaker: Do they have a fund to which a percentage of their income is put so that persons who do not have enough income or do not get the minimum every month are paid out of this fund?

Shri A. K. Sen: There is no such thing, because everyone has got a fairly distributed amount of work. Because, from the stage of the university, the entry into the law faculty is regulated. They know they want so many lawyers per year for the courts and for, what they call, academical work like scholars.

Mr. Speaker: They do not admit more?

Shri A. K. Sen: No, and that is a thing which we ought to achieve ourselves when the bar councils come into existence, because now the entry into the law colleges is more or less unregulated and almost everyone comes in; whether he can later on become either a good practising lawyer or a good research scholar or a good academician, every one can get into the college. But these are wider questions to which we may attend later on. But this basic question must be answered by keeping for ourselves a proper perspective for the profession.

I can understand people outside the profession trying to convert the legal profession into a gratuitous brotherhood of monks, forgetting for the moment that if they succeed in doing so, there would be no members left in the profession and there will be no fresh entries. Therefore, it has been the endeavour in every country, more so in England whose legal profession I know very intimately—I know that during the centuries the British legal profession has built up such high traditions—to see to it always that the members of the legal profession are guaranteed at least a minimum basic civilised existence which is necessary for a good professional.

The needs of the poor litigant are to be met, not, as I said, by converting this profession into a profession of gratuitous lawyers, but by giving aid through properly devised machinery for those who find it difficult to, if I may say so, get the necessary legal assistance with the means which they have.

14 hrs.

That is why in almost every advanced country which has a legal system like ours, they have a system of legal aid to the poor. Ever since I have taken charge of this Ministry, it has been my personal endeavour to try to introduce a system of legal aid to the poor which will at least make it obvious to the ordinary man that the system of law that we have, exists also for the common man. I agree entirely that the common man does not feel that the system of justice which the country has is also for him. However good such a system may be, it will never be an ideal one, and no legal system is really worth its name unless it sees that everyone of its citizens has the means whether by grants or by aid made available to him to go to the forum of justice in the country and get all the assistance needed by him to get justice from the courts. Hon. Members will appreciate that this is not a question which is very pertinent for the present purpose, but yet it is certainly a system which is closely connected with the legal profession and therefore it will not be really proper for me to avoid it only on the technical ground that this

question is not directly connected with the present one.

Hon. Members will appreciate that no system of legal aid to the poor can be devised or function without proper financial resources to back it. We had, after I had taken charge of this Ministry, formulated a model scheme of legal aid to the poor, whose funds should be partly realised from the State and also by contribution either from the earnings it made from court fees and other sources of income connected with the court. We decided at the last Law Ministers' Conference on my own motion that a part of the fees which a lawyer would pay to the Bar Council and also to the Bar must be set apart for legal aid to the poor. Of course, that would not be enough by itself, but it would certainly give a part of the income necessary for any State to make any scheme of legal aid to the poor; and also help the legal profession to share partially the burden of legal aid to the poor, if a part of what the lawyer pays for entry into the legal profession is kept in reserve for legal aid to the poor.

It is not possible to estimate the exact amount which would be necessary in every State to enable a proper scheme of legal aid to the poor being put into force. Yet, the States have been demanding at least 50 per cent contribution from the Centre to enforce any such scheme which the Ministry of Law at the Centre had formulated and circulated. And in the last Law Ministers' Conference they unanimously resolved—of course, the Centre did not at all take part in the resolution—that the Centre should at least find 50 per cent of the expenses for a scheme of legal aid to the poor.

So far as the Parliament and the Central Government are concerned, today a steel factory appears to have a greater value to us than any matter connected with the question of really improving the system of justice we have. Personally I think that it is not a very good sign that this country should lose sight of the essential necessity of having a system of justice which not only sustains the Constitution, but also preserves the right of every man to get justice as between man and man, for if we have a system which does not give us justice, if we have a system of Government which is not shared by the common man, if the dispensation of our governmental machinery does not create the feeling in the common man that justice is done as between man and man and without really putting the poor man always at a disadvantage, I do not think any of our steel factories, or any of our big achievements in the industrial sphere is worthwhile having. Not that I am one who is at all trying to minimise the importance of other things in life. It is necessary to give this country an industrial background or to make this country materially a stronger one. But nevertheless I think the values of life, more particularly the values that are basically fundamental in a democratic government can never be allowed to be put into the background excepting at the cost of jeopardising the very basis of our life, which is a free government, a free parliament and a system of independent courts whose doors are always open to the common man and whose charges are such that it is not difficult for the common man to come to its doors, and those who cannot get the advantage of the courts are given that advantage by the State.

These are fundamentals for which we had laboured and which will again sustain our free way of life and no amount of material comfort or material convenience can give us that happy life, that full life, that wholesome life until a proper democratic government with a system of justice which is shared by all and sundry, including the poorest and the richest, is made absolutely secure.

Nevertheless I must say that today the priorities are different. One of the reasons why initially the British

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Government had made itself secure was not because it had a strong army, not because it came with a better military technique, not because we were divided amongst ourselves, but because their system of law was different. Every historian—Indian or European—admits that initially the task of the Britishers would not have been so easy but for the fact that wherever they went a system of law was introduced which was different from the system of law which our rulers at that time were enforcing, which was nothing but the capricious fire of the ruler, which knew no equality as between man and man and who never dispensed justice equally between man and man. That is the one system which is still retained for which the Britishers are rightly proud.

Mr. Speaker: While pleading for the British system, is it necessary to condemn our ancient practice?

Shri A. K. Sen: I am not saying of the ancient practice, but the practice which then prevailed when the Britishers came,—not the ancient one, but the one which prevailed after the break-up of the Moghal Empire when the country was divided into numerous principalities and when the rule of the might was the only law which was known.

Shri Tangamani (Madurai): This looks more like a dissertation.

Shri A. K. Sen: Call it whatever you may, whether it is a rude comment, or a congenial comment, the fact is that, and I think the points which have been made can only be answered by dealing with the fundamentals. These are fundamental questions which Mr. Khadilkar raised.

The question is, if hon. Members think that legal aid to the poor is to have that priority, then a discussion on that cannot be dismissed or cannot be accepted by merely regarding it as more or less a dissertation on the philosophy of our existence. But on the question as to which priority we shall accept for ourselves, if our finances are limited, then we must prune our finances to suit those things which get top priority. In the scheme of priorities this certainly does not occupy such a high place as it should, if it is to find a place for itself either in the Third Plan or the Fourth Plan. As a man who has been connected with the courts, I personally think it should have top priority. And I think I am entitled to say so, even if it is not accepted by others.

Mr. Speaker: Are there any public defenders in Great Britain?

Shri A. K. Sen: The entire system of legal defence for criminal cases is well chalked out.

Mr. Speaker: That is here also, in sessions cases.

Shri A. K. Sen: Only in sessions cases and in capital cases.

Mr. Speaker: I am talking of civil courts.

Shri A. K. Sen: In England today there is a system of legal aid for the poor, even in divorce cases, because after all, if a man is entitled to divorce and if he has not been . . .

Mr. Speaker: Who appoints the lawyers?

Shri A. K. Sen: There is an entire system chalked out. It is an autonomous body. It will take some time to explain it. But in devising our system which was circulated to the States we have taken note of the British system also and we had drawn from the British system also but suited to our system, suited to our rural areas, our urban areas, and so on. That finishes really the question which has been raised by so many speakers on the objective of the legal profession helping the common man to have the fruits of our legal system.

The next point made was the question of our allowing barristers to get enrolled here. The hon. Member pointed out, and certainly it is a pertinent question, whether we should do it if our advocates were not extended the same reciprocity. In fact, that is a point I made some time back. As soon as we allowed the old practice to continue, namely for barristers who were entitled to practise in England to be enrolled here, as it happens even now, I took up the matter with the authorities in England, and I am happy to read to the House the last communication I received from Lord Evershed. As you know, in England the Judges take a very prominent part in the affairs of the Bar. In the original Bill which was placed before Parliament I tried to follow that system, because I personally think that the Judges are as much a part of the Bar as the lawyers who argue before them, just as the lawyers are as much a part of the system of justice as the Judges; and in fact without a proper Bar no judiciary can function properly. Therefore, in England, in every Inn of Court the Judges are members or benchers. And in the Bar Council too the Judges take a very important part. In fact, Lord Evershed himself is the Treasurer of his own Inn, Lincoln's Inn, and Lord Deverin is the Treasurer of my Inn.

The Judges here, unfortunately, thought that they should not associate themselves with the affairs of the Bar which, I have made it known to the Chief Justice and his colleagues, was an unfortunate decision. Because, I do not think we can develop a proper Bar free from all political influences if the Judges are not members of it.

Shri Tyagi: That is what I also expressed.

Shri A. K. Sen: One of the reasons why Judges have been so prominent in the affairs of the Bar in England is because of the fact that the presence of the Judges prevents the Bar from engaging itself in so many political activities. Otherwise, the Bar will pass resolutions and if one party has a majority the Bar will pass a resolution condemning the other party's action and *vice versa*. The Bar in England has never dealt with political problems.

14.14 hrs.

[SHRI JAGANATHA RAO *in the Chair*]

In our country the history is different, because the Bar took a leading part in the struggle for freedom. And that is why in olden days the Bar Associations everywhere took the lead in condemning many acts of the British Government and in campaigning against them. In any event I personally think it was . . .

Shri Tyagi: Would the hon. Minister kindly explain to the House whether the Judges are adamant in their attitude that they will have nothing to do with the Bar Councils?

Shri A. K. Sen: They communicated it to the Joint Committee.

Shri Tyagi: Are we to be guided by what they said to the Joint Committee?

Shri A. K. Sen: I will tell my hon. friend. We cannot compel them to go in. When the Joint Committee was deliberating . . .

Shri Tangamani: Could we not now persuade them to come in?

Shri A. K. Sen: I tried to. I was myself anxious.

Shri Tyagi: Particularly when masters about professional and unprofessional conduct of individual lawyers are under consideration, I suggest that the Judges being there must be essential.

Shri A. K. Sen: I will tell my hon. friend what happened. In fact, I was rather surprised when that decision

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was communicated to the Joint Committee without any prior consultation with us. What happened was that the Joint Committee was deliberating on this Bill. Hon. Members who were Members of the Joint Committee, if they are here, will remember how it came. I think Shri Braj Raj Singh was there. It suddenly came without any notice and was read out. It was communicated by the Registrar of the Supreme Court, and the communication was that the Chief Justices, who had met in the Conference of Chief Justices, had resolved that they should not be associated in any manner with the affairs of the Bar Council.

Shri Tyagi: They will regret it in due course.

Shri A. K. Sen: Well, let us not, on our part, use any expression which might be regarded as disrespectful of our judiciary.

Shri Tyagi: It is not a question of disrespect. The real respect of the judiciary depends upon the respect which the lawyers show to it and on account of their intimate relationship; if they are kept apart, there will be the one organisation on the one side and the other on the other side.

Shri A. K. Sen: I have always conceived that the two pillars on which our legal system rests are the Bar and the judiciary. And the system cannot rest soundly or securely if any of the pillars is isolated from the other. That has been our tradition, and I still conceive it to be the basic structure of the system of justice that we have.

In any event, with all respect to the Chief Justices who had assembled in the Conference of Chief Justices, I must say that it has been an unfortunate decision when they decided to dissociate themselves from the affairs of the Bar. Because, after all, the Judges owe a responsibility to the Bar, as we owe a responsibility for the proper functioning of the judges. That responsibility, I humbly submit with due respect to the Chief Justices, is not to be shirked by the Judges.

I was coming to the letter of Lord Evershed.

Shri Tyagi: What is the cure for it? If Parliament agrees with the hon. Minister's views, if the majority of the Members of Parliament agree with him, have we any cure? Cannot we put in an amendment about this?

Shri A. K. Sen: I do not want to bring in all the discussion I had with them. I had, subsequently, many discussions with them. But I found it difficult to persuade them. The Chief Justice himself—that is my impression—shared my views that the Judges should be associated.

Shri Tyagi: All the more reason why such an amendment should be accepted.

Shri A. K. Sen: I am afraid we cannot force the Judges into the Bar Councils without their concent.

Shri Ram Krishan Gupta: Why not?

Shri A. K. Sen: Parliament cannot put in by force someone who does not want to come in there. We have been brought up in a system which knows how to respect the Judges. And I think no instrument of justice can exist if it does not engender respect for the Judges. We can only persuade them, we cannot compel them even if we have the power. As I said on the floor of the House on an earlier occasion when the demand came from Shri Frank Anthony that some rule of the Supreme Court should be amended, even if we have the power we should not do it unless we get the agreement of the Judges themselves to revise it. That is a different matter.

As I was saying, I took the matter up with Lord Evershed in serious earnestness. Now, I do not want to read out what he wrote to me, but I shall read out what he had written to the Chief Justice and how the rules have been changed now. The letter that he wrote to the Chief Justice is as follows:

> "May I trouble you with something else? When I was in Delhi I had, as you may know, two or three talks with your Minister of Law, Mr. Sen, about your Legal Practitioners Bill which was then before your Parliament but which, I gather from Mr. Setalwad, has since become law".

There, His Lordship was not correct, because it had just passed the Select Committee stage only.

> "Mr. Sen was very anxious that that there should be reciprocity between our countries as regards admitting members of the Bar of the one to the Bar of the other."

I had said that we have the system of enrolling Barristers here, but we cannot be expected to continue it permanently our advocates are not given the same reciprocity. Then he says:

> "I told Mr. Sen that I would get to work at once with a view to changing our existing consolidated regulations.
>
> These regulations as they stand are really out of date and are designed to give privileges only to people coming from countries where two branches of the profession are distinct as they are in England."

That means where the two branches were separate, like solicitors and barristers and so on.

> "This is obviously out of keeping with a great many countries of the Commonwealth including India, and I, therefore, set to work to try to get our own consolidated regulations changed. As I warned Mr. Sen, it inevitably takes a long time because the consent of all the Four Inns of Court...."

—you know that their Inns of Court are again separate—

> ". . has to be obtained, and I am afraid we are as a profession somewhat conservative.".

Just see how the judges are writing. They write that 'We are as a profession somewhat conservative'. That is, a judge still considers himself as part and parcel of the profession.

> ". . However, I got to work and things have, I think, gone well.".

Then, he has enclosed a copy of the regulations which have now been changed, and which read as follows. I owe it as a duty to place before the House how Lord Evershed pleaded before the Joint Council of the Four Inns of Court, because, I think, I am really grateful to His Lordship for having done this service; I say, service, because it does make the friendship between the two countries firmer.

This is the record of the minutes of the meeting where this decision was taken.

> "Consolidated rule 43 under reference 31-34 in the light of a memorandum dated March, 1960 written by Lord Evershed, Master of the Rolls, following a visit to India, and (b) a letter dated 23rd February, 1960, written by the Director of Legal Education, Connaught, to the Council of Legal Education:
>
> It is believed that many, if not most of the Commonwealth countries also have a fused profession . . ."

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By 'fused profession', they mean one profession, and not varied as between solicitors and counsels.

> "Accordingly, consolidated regulation 43 now seems to be largely inoperative.
>
> (3) Lord Evershed in his memorandum pleads for sympathetic and practical consideration for the request he received from India's Law Minister for the establishment of some degree of reciprocity between the Bars of the two countries and refers to section 43 of the Indian Legal Practitioners Bill, 1959, giving the All India Bar Council the right to enroll baristers as advocates.
>
> The committee was impressed with the view expressed by Lord Evershed that one of the strongest links between the two countries is the law and the practice of the law, and consider that this is probably true in respect of other Commonwealth countries as well.".

As you know, Sir, Lord Evershed went back and reported extremely gloriously about our courts. When he left India, he told me that one thing which will ever remain in his memory was the picture of the best traditions of the English courts still being followed and better possibly-he said, 'better possibly'- on the Indian soil.

Then he says as follows. I do not want to read the regulations. The effect of the regulation is that any member of the Indian bar, any Indian advocate will now be entitled to be called to the Bar in England provided —they have a system of eating dinners—they eat the minimum number of dinners, which means one or two.....

Shri Tyagi: Introduce it here also.

Shri A. K. Sen:....and they have practised for at least three years in India. This is the regulation which gives a complete reciprocity between Indian advocates and barristers.

If a person wants to practise there and get enrolled there, he might as well dine there. I can assure the hon. Member that it is cheaper to dine there than outside it is always cheaper in the Inns of Court than outside, and I can tell him that I am not saying this because I was called to the Bar from one of the Inns, but I am saying this that it is well worth having a dinner there.

Shri Sinhansan Singh: But there is one condition to the dinner. We have no condition here.

Shri A. K. Sen: But we have no dinners here whereas they have dinners there.

Shri Khadilkar: Do you propose to introduce that system here at the highest level?

Shri Sinhansan Singh: You might as well as have it here.

Shri A. K. Sen: Why should we?

Shri Khadilkar: If it is so good, then you can have it here also.

Shri A. K. Sen: Our traditions are different, and their traditions are different. However, that is a different matter.

I am happy to say that.....

Shri Sinhasan Singh: They want that the person should have had three years' practice here before he could get enrolled there.

Shri A. K. Sen: I think that is not bad. We do not want to send raw juniors from here.

Shri Sinhansan Singh: We must also have some such provision here that they must have some practice there in England before they can get enrolled on our rolls.

Shri A. K. Sen: We have said that. The clause is there that he must have the training in England.

Shri Sinhansan Singh: It is training only, and does not refer to practice.

Shri A. K. Sen: Let us not mince matters. We ourselves do not want to send raw juniors to England; if they want to practice there, I personally think that three years' practice here at least is necessary. So, let us not mince matters. It is not an equal balancing of the scales. I personally think that the thing has been done very very gracefully and not as a gesture of just some superior person doing it to somebody who is not an equal but with full appreciation of the stature of the Indian Bar and of the Indian courts, and I think that we should be glad that this has happened.

With regard to the question of stamps and enrolment fee, we have had the question examined several times, and I have told the hon. Members that it is our opinion that the question of stamps is a State subject, and unless the States give up their right to levy stamps on advocates being enrolled, it is not for us to dictate to them that they should do so. If it is thought that their levies are illegal, any lawyer may test it in a court of law; it is no use arguing it here; if the levy of stamp duty by the States is illegal, then it can be tested.

Shri Shankaraiya: It is not a question of illegality but it is a question of hardship.

Shri A. K. Sen: We cannot decide it here. But it our considered opinion that we cannot levy a stamp duty or prescribe a stamp duty which will debar the States from levying it. I promised the members of the Joint Committee that I would do what I could. I have brought it up before the last Law Ministers' Conference, and the decision taken there was that the total fee by way of Bar Council's fee and stamps and other things should never exceed Rs. 500, which, I think, is a reasonable amount. The total amount should not exceed Rs. 500 and out of that, a portion should be set apart for legal aid to the poor.

Shri Braj Singh: Does the hon. Minister mean to say that that has been decided?

Shri Ram Krishan Gupta: May I know whether the States have done that?

Shri A. K. Sen: It was a resolution of the Law Ministers that this should be done. It is now for the respective States to give effect to this resolution, and I am sure that they will do so, having resolved to do so. If they do not, the matter may be taken up in the respective State Assemblies to compel the State Governments to do so.

Shri Ram Krishan Gupta. But some States are increasing the duty, from Rs. 500 to Rs. 755.

Shri A. K. Sen: I was told that that was done before this resolution was adopted.

Shri Ram Krishan Gupta: What is the situation now?

Shri A. K. Sen: I may tell my hon. friend—as I told the Members of the Joint Committee; Shri Braj Raj Singh was there, and he knows it—that I would bring it to the notice of the State Governments, and I did it at the earliest opportunity. I suggested to them that it was really unfortunate that different States should have different scales of levies. I said that if we are having one Bar, it is as well that we have one total amount levied on the practitioners who are enrolled.

Shri P. N. Singh (Chandauli): There should be one uniform pattern.

Shri A. K. Sen: That was what I suggested, and the resolution that was

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accepted unanimously was that the total fee including the Bar Council levy should not exceed Rs. 500. I hope that this resolution will be honoured by the States. If it is not honoured, if there is any particular instance where it is still being continued beyond Rs. 500, I shall be very glad to have information from any hon. Member with regard to that, and I shall take it up again.

These are the two main points over which the discussion has centred. The other point which has been raised is the question of continuing the system of solicitors in Calcutta and in Bombay on the Original Side. One thing must be borne in mind and that is this, that the demand for the abolition of these solicitors has never come from the litigant public of those two cities. The demand has always come from others. If the Chambers of Commerce had resolved that they do not want the solicitors, the question of the continuance of this system would have been absolutely unanswerable. But, not only have they not want the discontinuance; but they have, before so many commissions which have gone into the question expressed their strong insistence upon the continuance of that system. Apart from legal continuance, I have no doubt that even if we abolish it by law the system will continue in practice on the Original Side of these two cities because the nature of the litigation is such and the work is such that the man who pleads in courts cannot do these things which are necessary to prepare the case—take instructions, prepare the briefs, get the witnesses, serve the processes and various other matters. It is impossible. I know that because I have grown in that system myself and until I came to this House I was there. Even if we abolish it legally, the system will, in fact, go on in practice, just as you have the system of what they call Acting Advocates in the Supreme Court. Though the Supreme Court practice is appellate practice, the work of the solicitor is also important. Which Counsel will take the trouble of judging which witnesses are to be called, where they are—taking processes and getting them and taking their statements?

Shri Aurobindo Ghosal (Uluberia): Junior lawyers.

Shri A. K. Sen: Call them by any other name. We are thinking of assistance. You can call them Junior lawyers or Acting Advocates as they are called in the Supreme Court. We are now considering whether the functions of the two systems can be combined. I have always said . .

Shri Amjad Ali: They are Advocates on Record and not Acting Advocates.

Shri A. K. Sen: They might have come into existence after I left the Bar.

Shri Sadhan Gupta: (Calcutta-East): The question is whether the solicitors should be given the right to plead and the advocate should be given the right to act on the Original Side so that both become advocates.

Shri A. K. Sen: We had some of this mixture during a period when somebody has to combine these two functions and we had seen the utter confusion. There have been comments from so many Judges. I remember a particular case where the Advocate was also trying to act as a Solicitor. The advocate is there to attend to the client in the court. But the clients have to be attended to outside the courts also. How can the same man be doing the two things together?

Shri Amjad Ali: That is the demand that the option should be there.

Shri A. K. Sen: The question is the demand come from the litigants.

Shri Aurobindo Ghosal: The litigants have demanded.

Shri A. K. Sen: I know the clitigants the Original Side very much.

Shri Aurobindo Ghosal: If any litigant goes to the solicitor he never gets back his estate.

Shri A. K. Sen: It is unfair to say this with regard to the solicitors. I admit that there have been some black-sheep amongst solicitors as there have been amongst non-solicitors. But it is not as if they have no code of conduct. Their business continues not for one year or for two years but for generations.

Shri C. K. Bhattacharya (West Dinajpur): May I make a suggestion to the hon. Minister? The best way would, perhaps, be to abolish the Original Side of the Bombay and Calcutta High Courts and make them merely courts of appeal as all the other High Courts are. That solves the problem radically.

Shri A. K. Sen: I do not think that solves the problem. It is only destroying something which is functioning very successfully for over a century.

Shri C. K. Bhattacharya: It is a British tradition, When they founded the Presidencies the Original Sides were founded. We have no use.

Shri A. K. Sen: Is the Appellate Side not British tradition?

Shri Narayanankutty Menon: That also is British.

Shri C. K. Bhattacharya: But none of the other High Courts have their Original Sides. If the Original Side is useful, why were not the other High Courts invested with this jurisdiction?

Shri C. R. Pattabhi Raman: There are so many company law cases and other things which relate to the Original Side.

Shri C. K. Bhattacharya: They have got the City Civil Courts. They can invest the City Civil Courts with entire civil jurisdiction over Calcutta and Bombay.

Shri A. K. Sen: Unfortunately, I know the City Civil Court in Calcutta. I know how the people somehow or other come to the High Court by inflating their claims and all that. They like to file their claims in the High Court rathr than in the City Civil Court. This is a wider question and cannot be answered here; and here this is the question of the abolish of the solicitors.

Two commissions of experts have gone into the question. Both the commissions, including the Law Commissions, had recommeded that there is no justification for abolishing the system of solicitors.

Shri Subbiah Ambalam (Ramanathapuram): Make it optional.

Shri A. K. Sen: No one can perform two functions. A man cannot act as a doctor and as a nurse. If a man acts as a nurse he cannot act as a surgeon. (*Interruption*) This talk is understandable only by laymen and not by people who have gone further up in the profession itself.

Shri Sadan Gupta: May I interrupt the hon. Minister? Are there not nurses and doctors in our profession?

Shri A. K. Sen: I do not think this is a status which commends itself to the hon. Member.

Shri C. K. Bhattacharya: The Law Minister is not certainly a solicitor. But we may say that the barristers are the creations of solicitors. As the late N. N. Sirkar once commented, inscrutable are the ways of solicitors; as inscrutable are the ways of Providence.

Shri A. K. Sen: I strongly repudiate the suggestion that barristers are the creation of solicitors or even of the Judges. They are their own creation; and they will not exist if they do not live up to the standards. There is nothing special a barrister. In fact, some of our great giants in the pro-

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fession were not barristers. Our present Attorney-General is not a barrister. I am not one of those who feel that simply because a man has gone to England and been called to the Bar he can achieve something which others cannot achieve.

Shri C. K. Bhattacharya: I only sug- suggest, to the hon. Minister to go through the autobiography of Sir N. N. Sirkar which he began to write the Bar he can achieve something in the *Amrita Bazar Patrika*.

Shri A. K. Sen: I may say that all the articles of eminent lawyers are not gospel truths. There are many things found coming from N. N. Sirkar which may not be accepted as gospel truths even though I have the highest respect for the great erudition and ability of that great lawyer who, at one time, was also the Law Member of the Government of India.

Now, we have gone into the whole question repeatedly and the Joint Committee after going into all these arguments for and against have recommended the continuance of this system. Really, people forget that the solicitors are entitled to practice because the High Courts allow them practice as solicitors by rules framed by the High Courts under the rule-making power given to the High Courts under the Charters. Any moment, these High Courts themselves can change the rules. No Act of Parliament is necessary. Why should Parliament take the odium of abolishing a class of professionals whom the respective High Courts are not abolishing? If the Bombay High Court and the Calcutta High Court tomorrow feel that these solicitors are useless and they cannot assist the courts in their administration of justice, they can change the rule by a simple majority of the judges sitting. Why should the Parliament take the odium of doing away with a class of professionals especially when two commissions of experts which had been set up by the Government have recommended against the abolish at this stage?

These, I think, are the relevant points.

Shri Tyagi: The hon. Minister has not thrown any light on the suggestion I had made the other day that there must be a prescribed schedule of fees for advocates so that they cannot charge more.

Shri A. K. Sen: I am coming to that So far as the High Courts of Bombay, Calcutta and Madras are concerned, they are governed by Rules of Taxation which prescribe what amount can be charged by a solicitor, counsel, advocate and so on.

Shri Tyagi: Charging will be unprofessional. Will it not be declared unprofessional?

Shri A. K. Sen: How can they call it unprofessional? If the client wants to pay, let us say, Rs. 1,700 a day to the Attorney-General how can Government object to it?

Shri Tyagi: The Law Minister will appreciate that those clients who pay high fees pay it from the funds which are allowed as expenditure and is free of income-tax. Therefore, they can pay any amount because fourteen annas out of that comes from the Government treasury.

Shri A. K. Sen: But he says income-tax to the extent of 83 nP.

Shri Tyagi: That is what I say. This is allowed as expenditure and there is no income-tax on it.

Shri A. K. Sen: But the mean who gets it pays income-tax on that amamount; it addes to the coffers of the State.... (*Interruptions.*)

Shri Tyagi: Only when it is given by cheque.

Shri A. K. Sen: Let us hope that they are so. If they want to pay no law can stop it.

Shri Tyagi: What is the objection in enforcing that schedule; if it is prescribed, why not enforce it?

Shri A. K. Sen: It cannot be enforced; we know what will happen. A man now takes a cheque; he will not take the cheque for his fees; he will take it otherwise. The loss will be the Government's.

Shri Nathwani (Sorath): How does the hon. Member suggest in one breath that it is permissible to pay this amount from the companies and in the other breath he says that this fact it not being shown in the books?

Shri Tyagi: I am not saying that it is not being shown. If there is already some scale prescribed, then it will be proper for the bar councils to emphasise this fact that everybody must abide by the prescribed schedule and nobody should be allowed to take more fees. Take, for instance, the Government officers; somebody offers some bribe; he cannot go scot-free by saying: I do not demand it but he offered it.

Shri A. K. Sen: I have told the hon. Members on several occasions. We should remove this evil. The hon. Member has pointed it out. I agree that high fees charged from people who cannot pay is an evil. The remedy is to set up a machinery which will enable people who cannot pay so much to get the same assistance. I had recommended on so many occassions that we can devise a form of machinery by which every lawyer who gets amounts beyond a particular figure has to work for a number of hours for litigants who may come within the legal aid scheme.

Shri Tyagi: It adversely affects the dignity of the profession. If top lawyers are permitted to bargain about their fees....

Shri A. K. Sen: They do not bargain; the top ones do not bargain. The bargain is always below.

I am glad, Sir, that during my tenure the All India Bar—I hope—will come into existence and it will be a great thing for any member of the Bar. We have been looking forward to it. I only wish and I hope the entire House will join me in that fervent wish, that the Bar we shall create will be worthy of this profession and will be worthy of the trust that the Parliament is reposing in it and that it will set up not only a noble profession but a profession which will, even if the Government does not do anything in the matter, set up its own machinery of legal aid to the poor.

Mr. Chairman: The question is:

"That the Bill to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils and an All India Bar, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

Clause 2— (*Definitions*)

Mr. Chairman: There are no amendments to clause 2. The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill

Clause 3— (*State Bar Councils*)

Shri Hajarnavis: I have two amendments to clause 3 Nos. 3 and 4. These are consequential amendments on the passing of the Bombay Reorganisation Act. I beg to move:

(i) Page 2, lines 33 and 34,—

for "Bombay" *substituted* "Gujarat" (3)

(ii) Page 2, line 34,—

after "Madras" *insert* "Maharashtra". (4)

Shri N. R. Muniswamy (Vellore): I have amendments to clause 3.

Mr. Chairman: I think the hon. Member gave notice this morning; they are out of order. If the hon. Minister says he accepts them, then of course objection may be waived.

Shri A. K. Sen: I do not know; I have not been able to read them; we have not got copies of it.

Shri N. R. Muniswamy: The Office promised me that they would give the copy.

Shri A. K. Sen: I told the Hon. Member to give me copies.

Shri N. R. Muniswamy: Copies were given; you may please see your files. The Secretariat sent the copies to the hon. Minister.

Shri A. K. Sen: I have not got a copy of any such amendment and without even reading them, how can I accept them?

Shri Aurobindo Ghosal: Sir, I have an amendment, No. 17.

I beg to move:

Page 3, line 19,

after "twenty members" insert "at least one from each district court" (17)

I wanted a clarification from the hon. Minister as to whether each district shall have a representative in this council because these Bar councils will also decide about the junior status of the advocates. Naturally, therefore, a representative from the districts should be taken.

Shri A. K. Sen: I appreciate the reason why Shri Ghosal has raised it. He may feel that one district may be completely unrepresented. But we have introduced the system of proportional representation and that is why there is no risk of any district being left out.

Mr. Chairman: I put amendments Nos. 3 and 4 to the vote of the House. The question is:

Page, 2, lines 33 and 34,

For Bomay substituted Gujarat (3)

The motion was adopted.

Mr. Chairman: The question is:

Page 2, line 34,

after "Madras" *insert* "Maharashtra". (4)

The motion was adopted.

Mr. Chairman: I shall now put amendment No. 17 to the vote of the House.

Amendment No. 17 was put and negatived.

Mr. Chairman: The question is:

That Clause 3, as amended, stand part of the Bill.

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 and 5 were added to the Bill.

Clause 6— (*Functions of State Bar Councils*)

Shri Ram Krishan Gupta: Sir, I have two amendments—Nos. 35 and 36—to this clause.

Shri A. K. Sen: I may explain that it is already covered under clause 6(e).

Shri Ram Krishan Gupta: I agree that it is covered under sub-clause (e). But the function of this clause is very limited. I want that some wide power should be given, especially to canalise legal work and remuneration in an equitable way for securing for every member of the profession a minimum decent standard of living. Now a days there is a great disparity in the income of advocates. If my amendments are accepted, this disparity will be reduced to some extent.

So, I beg to move:

(i) Page 4, line 9,

add at the end—

"and to suggest suitable reforms in the present legal system".

(ii) Page 4,

after line 9, *insert*—

"(ff) to canalise legal work and remuneration in an equitable way for securing for every member of the profession a minimum decent standard of living." (36).

Shri A. K. Sen: What we have suggested is much wider. It is not necessary to add words such as 'suitable' and so on. We have said here: 'to promote and support law reform'; that is much wider.

The other matter is also covered. We have said: "to safeguard the rights, privileges and interests of advocates on its roll". What he says is certainly 'interest' of the advocate. The advocate should get a minimum for existence. I think it is better not to insist that everyone of its members should get a decent existence.

Mr. Chairman: I shall put the amendments to the vote now.

The amendments Nos. 35 *and* 36, *were put and negatived.*

Mr. Chairman: The question is:

"That clause 6 stand part of the Bill.".

The motion was adopted.

Clause 6 *was added to the Bill.*

Clause 7—(*Functions of Bar Council of India*).

Shri N. R. Muniswamy: I wish to speak on clause 7. I oppose sub-clauses (h) and (i).

Mr. Chairman: But there are no amendments. So, let there not be any discussion at this stage.

Shri Braj Raj Singh: He can speak on the clause.

Mr. Chairman: We are behind schedule. Anyway, let him be very brief.

Shri N. R. Muniswamy: I can oppose any of the clauses even if there is no amendment. Sir, I oppose sub-clause (h) and (i) for this reason. The sub-clauses read as follows:

"(h) to promote legal education and to lay down standards of such education in consultation with the Universities in India imparting such education and the State Bar Councils;

(i) to recognise Universities whose degree in law shall be a qualification for enrolment as an advocate and for that purpose to visit and inspect Universities;".

Now, the Government invest too much power on the Bar Council, namely, to go and examine and inspect universities as well as prescribe qualifications for the purpose of law. As the clauses stand now, these two items are too much. The Bar Council is to be guided by the degree that the candidates get from the universities, for this purpose. These sub-clauses go beyond the jurisdiction and the power of the Bar Council. These powers seem to encroach upon the powers and antonomy of the universities. The universities are guided by the University Grants Commission in the matter of recognition and the grant of degrees or displomas. The powers which seek to vest powers in the Bar Council in respect of recognition of universities and visit and inspection of universities are beyond the scope of the Bar Council and are not desirable. I therefore request that these two sub-clauses should be deleted.

Shri Tyagi: I am also in agreement with Shri N. R. Muniswamy. I think that by these provisions the functioning of the Ministry of Education and the universities will be interfered with by a non-official body like the

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Bar Council. I oppose these sub-clauses on a matter of principle. The question will arise as to which universities the Bar Council can recognise. The recognition up till now vests in the Government in consultation with the University Grants Commission, and it applies equally to the law degrees conferred by the universities. These powers have remained with the Government at the Centre and in the States, and it is really too much if they are taken over and given to a non-official organisation

Shri Sadhan Gupta: I do not agree with the observations of the two hon. Members. The point is that the Bar Council has the responsibility of enrolling competent advocates and therefore the Bar Council must see to it that the standard of education imparted by the universities is up to the mark. The universities do not know or are not in a position to know what standard should be followed in order to make a person a competent advocate, but the Bar Council knows. Therefore, for the purpose of discovering competent talents, the Bar Council must be able to prescribe the minimum standards and see to it that those standards are adhered to by the universities.

Already complaints have been voiced in this House that the standard of legal education is not up to the mark. Therefore, proper standards must be ensured, and for the purpose of ensuring them, the Bar Council must be able to recognise and inspect the universities with a view to discover whether the standards presribed are sufficient and the way of teaching and examination is correct and sufficient.

Shri Tyagi: The purpose will be more than served if the Minister were to agree to amend these sub-clauses to the effect that the Bar Council shall have the right to advise the Government in the matter of recognition of universities for the purpose. Let it advise the Government and the Government will have the power of final decision.

Shri A. K. Sen: The reason is obvious. In England, getting a university degree in law does automatically entitle a student for being enrolled as a member of the bar. Under the present law and also under the law that we are now passing, students who pass a law examination would be entitled to be enrolled as advocates. Therefore, if that gives the student the right to enrol as an advocate, it is absolutely necessary that the Bar Council should see that what sort of degree the man has got. Supposing it is such a degree that it is absolutely useless for a practitioner of law, the Bar Council is well within its rights in not recognising the degree.

Shri Tyagi: Let them act as an advisory body.

Shri A. K. Sen: It is not interfering with the universities at all. It is for recognising for its own purpose and to see which degree would entitle the holder to be enrolled as an advocate. I have no doubt that no university will hold examination on a syllabus which is inadequate or which would not commend itself to the Bar Council. In such matters, everywhere, the universities will get into touch with the Bar Council in prescribing the syllabus and that is absolutely necessary.

Mr. Chairman: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Mr. Chairman: Now, there are no amendments to clauses 8 to 14. I shall put them to vote together.

Shri N. R. Muniswamy: Instead of putting them together, may I request you to proceed clause by clause.

Mr. Chairman: Hon. Members have spoken already. We are behind schedule. There is no point in putting

clause after clause. There are no amendments to any of these clauses.

Shri Narayanankutty Menon: They can be put together.

Shri A. K. Sen: This has been the practice throughout.

Mr. Chairman: The question is:

"That clauses 8 to 14 stand part of the Bill".

The motion was adopted.

Clauses 8 to 14 were added to the Bill.

Mr. Chairman: For clause 15, there is one amendment, but the hon. Member, Shri Ajit Singh Sarhadi, is absent.

The question is:

"That clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill.

Clauses 16 to 23 were then added to the Bill.

Clause 24—(*Persons who may be admitted as advocates on a State roll*)

Shri Shree Narayan Das (Darbhanga): I beg to move:

(i) Page 11, *after* line 27, *add*

"Explanation.—A degree in law obtained from a University in any area which was comprised before the 15th day of August, 1947, within India shall be deemed to be a degree from a University in India." (23).

(ii) Page 11, *after* line 36, *insert*—

"(iia) any person who having obtained a degree in law has held judicial office in any area which was comprised before or after the 15th of August, 1947, within India as defined by the Government of India Act, 1935, or has been an advocate of any High Court in any such area; and ". (26).

Shri Ram Krishan Gupta: I beg to move:

Page 12, *after* line 14, *add*—

"(3) No stamp duty will be levied on the advocates, and an advocate shall be entitled to be enrolled as such and to practise without payment of any other fee payable to the State Bar Council." (42).

Shri A. K. Sen: We are accepting amendment No. 47 which will cover all these amendments.

Shri C. R. Pattabhi Raman: I beg to move:

Page 11, *for* lines 25 *to* 27, *substitute*—

"(c) he has obtained a degree in law—

(i) before the appointed day, from any University in the territory of India; or

(ii) before the 15th day of August, 1947, from any University in any area which was comprised before that date within India as defined by the Government of India Act, 1935; or

(iii) after the appointed day, from any University in the territory of India or elsewhere, if the degree is recognised for the purposes of this Act by the Bar Council of India; or

he is a barrister". (47).

Shri Braj Raj Singh: Has that amendment been circulated?

Mr. Chairman: This was given notice of this morning and I understand that the hon. Minister accepts this amendment.

Shri Braj Raj Singh: How can we proceed like this, Sir?

Shri Ram Krishan Gupta: That must have been circulated.

Shri A. K. Sen: What was circulated was amendment No. 39. We have really coupled it with amendment No. 47 with a slight variation. Instead of raising this technical point, the hon. Member will appreciate our common desire to do some thing which is free from all defects and difficulties. Amendment No. 39 was circulated and the new amendment is only a slight alteration of it.

Shri C. R. Pattabhi Raman (Kumbakonam): Actually, there is another amendment of mine which was circulated yesterday. Instead of that, I am moving this amendment.

15 hrs.

Shri Nathwani: I beg to move:

Page 11,

for lines 34 to 36, *substitute*—

"(ii) any person who has for at least two years held a judicial office in the territory of India or is a member of the Central Legal Service;

(iia) any person who has for at least two years held a judicial office in any area which was comprised before the 15th day of August, 1947, within India as defined in the Government of India Act, 1935, or has been an advocate of any High Court in any such area; and". (41).

Shri J. B. S. Bist: I beg to move:

"That in the amendment proposed by Sarvashri Ajit Singh Sarhadi, Nathwani and Jaganatha Rao, printed as No. 41 in List No. 6 of amendments,—

after part (iia), *insert*—

"(iib) any person who has practised before any High Court and who has discontinued practise by reason of his taking up employment under the Government, a local authority or any other person;"(50).

This is an amendment to Shri Nathwani's amendment No. 41.

Shri Nathwani: My amendment seeks to expand the list of exempted persons by including those who have held judicial posts in Pakistan and elsewhere. That is the substance of my amendment and I hope it will be accepted by the House.

Shri J. B. S. Bist: To that amendment, I have moved my amendment, by means of which I want to ensure that any person who has practised before and who has left practice by reason of his taking up employment under the Government or local authority will be entitled to resume practice after he leaves the service.

Shri A. K. Sen: Government are accepting both the amendments. We have combined them and made it into one amendment.

Mr. Chairman: That is amendment No. 47.

Shri N. R. Muniswamy: I would request the hon. Minister to consider this aspect. In this clause certain conditions have been put to admit a person as an advocate on State roll. There are certain provisos. I want to know what happens to those graduates of law who have been undergoing training and joined the apprentice course, if the Act comes into force tomorrow. They should be given permission to get themselves enrolled, because they have already undergone training. So, I want to add,

> "Those graduates in law who are undergoing training or have entered apprenticeship under the existing rules."

Suppose a particular gentleman has already passed the law examination and is undergoing training. If the Act comes into force in say, August or September, he will have finished his apprenticeship course by that time. He must be allowed to enrol himself.

Shri A. K. Sen: I think we have added a proviso somewhere.

Mr. Chairman: Let him look into it.

Shri Aurobindo Ghosal: I beg to move:

(i) Page 12, line 3,—

for "two hundred and fifty" *substitute* "one hundred" (18).

(ii) Page 12,—

after line 4, *add*—

"Provided that no other stamp duty to any State shall be payable for enrolment as an advocate."(19)

(iii) Page 12, line 9,—

after "then in force" *insert*—

"or a practising law graduate who has suspended practice for the time being."(20)

The hon. Minister has already stated that a resolution has been taken in the Conference of Law Ministers that an advocate for enrolment will have to pay Rs. 500. But that is also too much for persons who are practising in sub-divisional courts. Most of the lawyers in district courts can pay Rs. 500, but not the lawyers in the sub-divisional courts.

Shri A. K. Sen: How can I change something which has been agreed unanimously by all the States?

Shri Aurobindo Ghosal: I am giving the conditions in the sub-divisional courts. He might know the conditions of the lawyers, though he has not visited sub-divisional courts.

Shri A. K. Sen: I have seen the court in Asansol.

Shri Aurobindo Ghosal: Asansol court is a very rich court. But there are poor courts like courts in Uluberia and Amta. Bengal is prolific in producing lawyers, but one thing must be considered, *viz.*, that the average earning of a lawyer in West Bengal is only Rs. 100 or Rs. 200. The average income is not more than Rs. 100. The lawyers in mofussil courts stay in their houses in the native towns and they can anyhow manage, because there are other sources. It is not possible for them to maintain their whole family with the income from the profession. Naturally, I would request the Minister to reduce the fee that is being imposed. It may be reduced to Rs. 250. Last week, there was a conference of lawyers in Bengal and they have unanimously taken a decision to ask for reducing this fee for enrolment in the Bar Council and also the stamp duty that is being imposed by the State. That is necessary in view of the pitiable condition of the mofussil lawyers. Their condition is so pitiable that they are not getting girls for marriage.

Shri Tyagi: Some of them have no safety razors to shave.

Shri Shree Narayan Das: My amendment No. 23 has been covered by the Government. But there is also another amendment, No. 26 which says:

Page 11, *after* line 36, *insert*—

(iia) any person who having obtained a degree in law has held judicial office in any area which was comprised before or after the 15th of August, 1947, within India as defined by the Government of India Act, 1935, or has been an advocate of any High Court in any such area".

What is the attitude of Government to this amendment? That is also necessary in view of the fact that there are many persons who have obtained their degree in law in areas that comprise Pakistan.

Shri A. K. Sen: I can assure the hon. Member that it is covered by a Government amendment.

Shri N. R. Muniswamy: The Minister was pleased to tell me that he will

[Shri N. R. Muniswamy]

accept a suitable amendment. My amendment was that a proviso may be added to clause 24 like this:

> "Those graduates of law who are undergoing their training or apprenticeship under the existing rules."

The hon. Minister says that it will not apply to the persons who have obtained the degrees of law before the coming into operation of this Act. I am agreeable to that.

Shri A. K. Sen: About Shri Aurobindo Ghosal's amendment, I can only give a promise that I shall again bring it to the notice of the States, if they can reduce it. I do not think it is possible to reduce it below Rs. 500.

Shri Braj Raj Singh: The difficulty is genuine. There may be hundreds of lawyers in mofussil courts who may not be able to pay Rs. 500.

Shri A. K. Sen: So far as the Bar Council is concerned, at least Rs. 250 is necessary, as we agreed it in the Select Committee. Otherwise, how is the Bar Council to function? That is for the Bar Council to decide.

I agree with the hon. Member that it might lead to this position that those who are under the present rules entitled to it, if tomorrow the Bar Council prescribes a certain course of training, might be debarred from it. I agree with that with a further amendment that it will not apply to the persons who have obtained the degrees of law before the coming into operation of this Act. That we shall put in.

Mr. Chairman: The hon. Member has not formally moved the amendment.

Shri A. K. Sen: I have accepted this amendment subject to this.

Mr. Chairman: I would request the hon. Minister to draft the amendment so that I may put it to the vote of the House. I shall defer this clause and proceed to other clauses.

Shri Tyagi: Could not the fees be realised in instalments?

Shri A. K. Sen: What I was explaining is this. The hon. Member rightly pointed out in his amendment that there are graduates who have already passed law and are entitled to be enrolled now. But, before they are enrolled, supposing the Bar Council comes with a fresh rule regarding training and so on, then they will be debarred. I think, it is fair to exempt those graduates who have already passed law before the commencement of this Act. I shall put in that provision.

Mr. Chairman: I shall defer this clause.

Shri Tyagi: Besides those who have been recognised as advocates they had also some unrecognised graduates and, therefore, I do not think there will be any effect because the law is prospective and not retrospective.

Shri A. K. Sen: They are all recognised now.

Mr. Chairman: I am not taking his amendment for consideration.

Shri A. K. Sen: Then, I will put it as Government amendment.

Mr. Chairman: We shall now proceed to other clauses. This clause is held over. We will come to it later.

The question is:

> "That clauses 25 to 28 stand part of the Bill".

The motion was adopted.

Clauses 25 to 28 were added to the Bill.

Clause 29—(*Advocates to be the only recognised class of legal practitioners*).

Shri Nathwani: I beg to move:

Page 13,—

for clause 29, *substitute*—

> **"29. Subject to the provisions of this Act and any rules made there-**

under, there shall, as from the appointed day, be only one class of persons entitled to practise the profession of law, namely, advocates."(43)

This amendment is a verbal one. Instead of the expression 'legal practitioners' we have the term 'advocate' in order to bring it in harmony with the language used in clause 33. I think, it will be accepted by the House.

Mr. Chairman: Is the hon. Minister accepting this amendment?

Shri A. K. Sen: Yes, Sir.

Mr. Chairman: The question is:

"Page 13,—

for clause 29, *substitute*—

"29. Subject to the provisions of this Act and any rules made thereunder, there shall, as from the appointed day, be only one class of persons entitled to practise the profession of law, namely, advocates."(43)

The motion was adopted.

Mr. Chairman: The question is:

"That clause 29, as amended, stands part of the Bill".

The motion was adopted.

Clause 29, as amended, was added to the Bill.

Clause 30.—(*Right of advocates to practise.*)

Shri C. R. Pattabhi Raman: I beg to move:

Page 13,—

(i) line 24, *for* "(1)" *substitute*—

"Subject to the provisions of this Act";

(li) *omit* lines 33 *to* 36." (48)

Shri A. K. Sen: Government accepts this amendment.

Mr. Chairman: The question is:

"Page 13,—

(i) line 24, for "(1)" substitute—

"Subject to the provisions of this Act";

(ii) *omit* lines 33 *to* 36." (48)

The motion was adopted.

Mr. Chairman: The question is:

"That clause 30, as amended, stands part of the Bill".

The motion was adopted.

Clause 30, as amended, was added to the Bill.

Shri Braj Raj Singh: Mr. Chairman, why should we be in such a hurry? This amendment which has been moved by Shri Pattabhi Raman and accepted by Government has not been brought to our knowledge.

Shri A. K. Sen: I have no objection to it. The reason is this. Today there are certain types of advocates who are practising in Bombay and other places, who have not been law graduates at that time but whom the Bar Council accepts them as advocates and they have been practising for 30 or 40 years. But, under the Supreme Court rules, now in operation, they are not entitled to practise. Since we are having one set of advocates, any other law, for the time being enforced, may be construed as a rule under article 145 of the Constitution.

Shri Narayanankutty Menon: The amendments should be first understood by all the hon. Members and then put to the vote of the House. It may take a few more minutes.

Shri A. K. Sen: The hon. Member is a lawyer and he will agree with me. The working of the provision of any other law, for the time being enforced, may be regarded as including a law made by the Supreme Court under article 145 of the Constitution. This may prevent advocates of Bombay High Court and other High Court

[Shri A. K. Sen]

who were not law graduates at that time from practising. That is why we have accepted this amendment.

Shri Narayanankutty Menon: I am not saying about this particular amendment; I was saying generally.

Shri A. K. Sen: I shall not accept any amendment without understanding it.

Clause 31.— (*Special provision for attorneys.*)

Shri Aurobindo Ghosal: I had tabled an amendment reading thus:

"Page 14,—

for clause 31, *substitute*—

"31. The High Court at Calcutta or the High Court at Bombay shall abolish the system of attorneyship."(21)

Hon. Minister has already spoken on this. But, I would like to know whether the solicitorship examination is taken by the High Court. There is the general complaint that this solicitorship examination is not conducted in a fair way. Generally, this solicitorship business has been kept in some families of Calcutta.

Shri A. K. Sen: That certainly was an impression at one time. I had joined the profession and even those under whom I had learnt law had joined the profession. But I can tell you that it is one of the most well-conducted examinations today. It is conducted by the High Court itself and the examiners are also appointed by them. They are not always solicitors. Some of them are eminent barristers, eminent advocates and eminent solicitors. Therefore, there is no question of the examination not being a fair one.

15.20½ hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Mr. Deputy-Speaker:

The question is:

"That clauses 31 to 34 stand part of the Bill."

The motion was adopted.

Clauses 31 *to* 34 *were added to the Bill.*

Mr. Deputy-Speaker: I will now put clauses 35 to 54 to the vote of the House.

Shri N. R. Muniswamy: I want to speak on clause 52.

Mr. Deputy-Speaker: All right. The question is:

"That clauses 35 to 51 stand part of the Bill."

The motion was adopted.

Clauses 35 *to* 51 *were added to the Bill.*

Clause 52.— (*Saving*)

Shri N. R. Muniswamy: Clause 52, as it stands, reads as follows:

"Nothing in that Act shall be deemed to affect the power of the Supreme Court to make rules under article 145 of the Constitution—

(a) for laying down the conditions subject to which a senior advocate shall be entitled to practise in that Court;

(b) for determining the persons who shall be entitled to act in that Court."

There are two types of advocates, juniors and seniors. There are also advocates on record. Those individuals who have enrolled themselves as junior advocates in the Supreme Court in the years 1952, 1953, 1954 and 1955 are now debarred from becoming advocates on record because they have to sit for an examination. If he has already enrolled himself as an advocate in the Supreme Court in the year 1951, he has not to sit for an examination. In 1957 or 1958 they have brought in a rule that unless they sit for an examination and pass it in the Supreme Court, they cannot be enrolled as advocates on record. Those persons who have been enrolled prior to the coming into force of this rule can, if they like,

be enrolled as advocates on record. So, if we add the words "provided the rules do not affect advocates enrolled in the Supreme Court before 1957 to act in that court" it will serve the purpose. I hope the hon. Minister will appreciate that this rule is causing a lot of hardship to those advocates who were enrolled before 1957, if they are asked to sit for an examination. I think they should be exempted from that.

Mr. Deputy-Speaker: Has Government anything to say in the matter?

Shri A. K. Sen: I have not really followed what the hon. Member wants.

Mr. Deputy-Speaker: The hon. Member was also not serious about it. Otherwise, he must have sent in his notice of amendment.

Shri N. R. Muniswamy: Unfortunately, I did not send it earlier.

Mr. Deputy-Speaker: That shows that he was not serious about it.

Shri A. K. Sen: I have myself not seen that amendment.

Shri N. R. Muniswamy: The short point is this. If an advocate is to practise or be on record, he should sit for an examination. Unless he passes the examination conducted by the Supreme Court, he cannot practise. Even those advocates who have enrolled themselves before 1957 have been asked to sit for an examination which will cause them a lot of hardship.

Shri A. K. Sen: How can you prevent the Supreme Court from prescribing what qualifications the advocates on record should have? I think they are entitled to conduct any examination.

Shri N. R. Muniswamy: I have no objection to the examination. But those advocates who have enrolled themselves prior to 1957 should not be asked to sit for that examination. They should be exempted.

Shri A. K. Sen: That is for the Supreme Court to decide. We should not interfere in such matters.

Mr. Deputy-Speaker: In any case, there is no amendment on this subject. Now the question is:

"That clauses 52 to 57 stand part of the Bill".

The motion was adopted.

Clauses 52 to 57 were added to the Bill.

Clause 24— (*Persons who may be admitted as advocates on a State roll*)

Mr. Deputy-Speaker: We will now come back to clause 24.

Mr. Hajarnavis: I want to move my amendment No. 51.

Amendment made:

for lines 32 and 33, *substitute*—

"(i) a barrister who has received practical training in England or a person who has obtained a degree in law from any University in India before the appointed day." (51)

Shri A. K. Sen: That exempts the existing law graduates from being hit by the subsequent rule.

Shri C. R. Pattabhi Raman: There are amendment Nos. 47 and 50 to this clause.

Mr. Deputy-Speaker: The question is:

"Page 11,—

for lines 25 to 27, *substitute*—

"(c) he has obtained a degree in law—

(i) before the appointed day, from any University in the territory of India; or

(ii) before the 15th day of August, 1947, from any University in any area which was

[Mr. Deputy-Speaker]

comprised before that date within India as defined by the Government of India, Act, 1935; or

(iii) after the appointed day, from any University in the territory of India or elsewhere, if the degree is recognised for the purposes of this Act by the Bar Council of India; or

he is a barrister." (47)

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That in the amendment proposed by Sarvashri Ajit Singh Sarhadi Nathwani, and Jaganatha Rao, printed as No. 41 in List No. 6 of amendments,—

after part (iia), *insert*—

"(iib) any person who has practised before any High Court and who has discontinued practice by reason of his taking up employment under the Government, a local authority or any other person;" (50).

The motion was adopted.

Shri Nathwani: There is amendment No. 41.

Mr. Deputy-Speaker: The question is:

Page 11,—

for lines 34 to 36, *substitute*—

"(ii) any person who has for at least two years held a judicial office in the territory of India or is a member of the Central Legal Service;

(iia) any person who has for at least two years held a judicial office in any area which was comprised before the 15th day of August, 1947, within India as defined in the Government of India Act, 1935, or has been an advocate of any High Court in any such area; and". (41)

The motion was adopted.

Mr. Deputy-Speaker: I will now put the other amendments, to the vote of the House.

Amendments Nos. 23, 26, 18, 19, 20 and 42 were put and negatived.

Mr. Deputy Speaker: The question is:

"That clause 24, as amended, stands part of the Bill'

The motion was adopted.

Clause 24, as amended, was added to the Bill.

The Schedule

Amendment made:

Page 23,—

after line 10, *add*

"4. The Bombay Reorganisation Act, 1960 (11) of 1960) —— Section 31." (7).

—(Shri Hajarnavis)

Mr. Deputy-Speaker: The question is:

"That the Schedule as amended, stand part of the Bill".

The motion was adopted.

The Schedule, as amended, was added to the Bill.

Clause 1.— *(Short title, extent and commencement)*

Shri N. R. Muniswamy: Sir, sub-clause (1) of clause 1 reads:

"This Act may be called the Advocates Act, 1961."

Under clause 34 we have allowed other categories of lawyers like attorneys to practise in High Courts. I,

therefore, suggest that we may substitute "Advocates Act" by "Legal Practioners Act".

Mr. Deputy Speaker: What is there in a name"? it was once said.

Shri A. K. Sen: With due respect to the hon. Member, I should say that there is hardly anything in the point he has made. This Act does not allow the attorneys to practise They are allowed by the respective High Courts according to the rules under their Charter. These attorneys though they will continue to practise will not be advocates on the rolls of the State Bar Councils or the Central Bar Council.

Mr. Deputy-Speaker: The question is:

Page 1, line 5,—

for "1960" *substitute* "1961". (2)

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Shri Hajarnavis: I beg to move:

Page 1, line 1,—

for "Eleventh Year" *substitute* "Twelfth Year" (1)

Mr. Deputy-Speaker: The question is:

Page 1, line 1,—

for "Eleventh Year" *substitute* "Twelfth Year" (1)

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

Title

Mr. Deputy-Speaker: The question is:

"That the Long Title stand part of the Bill."

The motion was adopted.

The Long Title was added to the Bill

Shri A. K. Sen: Sir, I beg to move:

"That the Bill, as amended, be passed".

Some Hon. Members *rose*—

Mr. Deputy-Speaker: Already we have transgressed into the time that was allotted to the other Bill. I think we have had enough discussion. I shall allow two minutes to each hon. Member. Motion moved:

"That the Bill, as amended, be passed."

Shri Basappa: I have not spoken during the First Reading.

Mr. Deputy-Speaker: Then he will not be satisfied with two minutes.

Shri Narayanankutty Menon: Sir, it is only to clarify certain points raised by my hon. friend Shri Khadilkar that I rise to speak at this stage. He said that when we from these benches speak on this Bill we naturally forgot certain basic and fundamental requirements of the legal profession. It is entirely wrong to say that as far as we are concerned, we do not recognise the importance of law as an instrument to change the social order, especially when we stand committed to a change in a peaceful manner from one order of society to another.

Therefore, we emphasise that laws are the real instruments of these changes and the lawyers who are to handle these laws have got a responsibility to inculcate in themselves the dynamism of the changing conceptions of the social order and realise the immense responsibilities thrown upon them in the changing times of today.

[Shri Narayanankutty Menon]

Secondly, I wish to clarify one point. The impression has been created that we have been defending lawyers who are taking exorbitant fees. That point has been made. I wish to clarify that from these benches we spoke in a manner that we did not ignore the few lawyers who were taking exorbitant fees and the fact that there is consequently mounting cost of litigation; our only point was....

Mr. Deputy-Speaker: Everything that had been said from this side or that side is on record. Why repeat it?

Shri Narayanankutty Menon: I am only clarifying it. What we said was only this. If there are two sides of a picture, and if there is a brilliant and good side and also a bad side, we said "look also at the brilliant side of the picture and do not look only at the bad side of it". It is just like the old saying which says that two men were asked to walk down an avenue. One side was full of rose flowers and there was a gutter on the other side of the avenue. When they passed through that avenue and came back, one of them was asked "What did you find on the road?" The first man said "I saw beautiful roses smelling pleasantly". When the second man was asked what he saw, he said: "It is all gutters and smelling". So it is a matter of approach.

Mr. Deputy-Speaker: Both used one eye each!

Shri Narayanankutty Menon: Therefore, I say that it is only a matter of approach. My only request to my hon. friends, including Shri Tyagi, is that the better side is the far more important side and the other side should be ignored, and whatever is required could be done and should be done by lawyers themselves to correct all the catalogue of complaints that have been made by hon. Members against the profession generally.

Shri Tyagi: I support the Bill, as amended, and I congratulate the members of the profession. Of course, it is a dignified profession. I think the Minister of Law will go down in history as the one man who has rendered a great service to this profession. This will be an achievement for him because he will be remembered as the man who put the profession on the map.

After all this discussion there is only one point which I want to emphasise even at this stage, and it is this, namely that the High Court Judges should not have been allowed to divorce themselves from the Bar Councils so hurriedly, the Bar Councils which they had nursed, and husbanded for years together in the past. The hon. Minister also has agreed that their association with the Bar Councils will add a lot of dignity and prestige to the Councils, to the profession on the one side and also to the judiciary on the other. This separation might tell on the prestige of both the Bar Councils as well as the High Courts. I would therefore still urge if the Law Minister could go by his own personal views which he has expressed on the floor of the House and see to it that these venerable bodies are brought together. Otherwise in due course there might be clash between the High Courts and the Bar Councils on questions of prestige and so on. It will be a bad day for the nation and both will suffer. Particularly when decisions are taken with regard to professional conduct and such things, where their own members of the Council are involved, a third party should be welcomed by all. I therefore suggest that there might still be some way open to bring them back again and it might be examined.

Shri Raghubir Sahai (Budaun): The Judges themselves are not anxious.

Shri Basappa (Tiptur): I very much wish that I had an opportunity to speak in the First Reading itself. Now in the Third Reading I cannot enter

into any controveresy about the dual system of advocates prevailing in some parts of the country.

We are happy to know from the hon. Minister that our legal profession has been held in very high esteem in other countries, particularly England and other places. The legal profession has contributed a great deal in its participation in the freedom movement which is known to all of us very well. Still, in district courts and other places, the profession needs a lot of improvement, and it has been discredited to a great extent also. There are very many reasons for this. One of the reasons is that there is overcrowding. We have to see that there is not much overcrowding in the courts. Secondly, the standards of the lawyers are coming down, and it is a matter of concern for all of us that this is so, and we should take steps to see that the standards are raised.

It is very unfortunate that certain malpractices also take place. All these things are sought to be prevented in this Bill, and to that extent, I welcome the Bill and also the improvements that have been made by the Joint Committee.

The system of a unified Bar is a thing which we should all welcome, and it is a step in the right direction. I think India has given a lead to many parts of the world in this matter.

Of course, there are some people who say that the Bill does not go far enough, because they want that there should be a clear relationship laid down between the client and the counsel, and there should also be a limit to the remuneration so that the ideal that we are having in this country, namely the evolution of a socialistic pattern of society is realised in all its implications.

The question of stamp duty seems to be a vexed question. Now, every lawyer has to affix a stamp before he can appear in a court. I think this is a great injustice, and I feel that the stamp duty should have been abolished. The hon. Minister has given us a hope that the State Governments will look into this matter and see that something is done.

As regards the constitution of the Bar Councils and their autonomous character, I feel that it is a good thing. If the judges had also been associated with them, it would have been very good. But when they themselves are not willing, it is not possible to compel them to do so. But, anyhow, I hope that the self-governing institution of the lawyers will see to it that justice is not only delivered quickly but it is not also so costly as it is today.

Some of the lawyers who are brilliant lawyers, and who have given their everything for the cause of the country have lost their *sanads*. I do not know why even till today their *sanads* have not been restored. I think in all fairness there must be some move in that direction to see that all those people who sacrificed their everything for the cause of freedom, and whose *sanads* were taken away because of the old heritage, get back their *sanads*.

As regards the qualifications of the lawyers, much has been said already that a degree is enough. Now, the training of the lawyers will also come in, and there will also be an examination at the end of that training. This will benefit the lawyers' profession.

About misconduct, I very much wish that the Law Minister should have considered it at much greater length.....

Mr. Deputy-Speaker: Now, let us wish them well. Why talk about misconduct?

Shri Basappa: I would not say much about it. Anyhow, as to what constitutes misconduct, the disciplinary committee of the Bar Council can

[Shri Basappa]

go into this matter, and they will see to it that a *prima facie* case is made out whenever the conduct of any lawyer is brought into question.

Shri Braj Raj Singh: May I just put one question to the hon. Minister? He has said in his speech that at the last Law Ministers' conference, the Law Ministers had agreed that not more than Rs. 500 would be charged in all from the lawyers. Will the hon. Minister persuade them in the next Law Ministers' Conference that they should not charge any stamp duty and that they should limit the amount only to Rs. 200 or Rs. 250?

Shri A. K. Sen: I may not be the Law Minister here, when the next Law Ministers' Conference takes place. My hon. friend forgets that the next Law Ministers' Conference may take place in 1962. It is in the lap of God, as to who will be where.

Shri Sadhan Gupta: The hon. Minister may commit on behalf of his successor.

Shri A. K. Sen: I have really very few things to say. I entirely agree with my hon. friend Shri Narayanankutty Menon regarding what he has said concerning the profession.

Ours has been a great profession, as I still hold it to be, and I entirely agree with Shri Tyagi, and I think he has done a great service by reminding us of it, that the dissociation of the judges from the future Bar Councils will be a matter of regret for all of us, for the entire country and for the profession. It will be our duty also to convey the regret of Parliament to the Judges.

With these words I commend the Bill for the acceptance of the House.

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

15.46 hrs.

INCOME-TAX BILL, 1961

The Minister of Finance (Shri Morarji Desai): Sir, I beg to move:

"That the Bill to consolidate and amend the law relating to income-tax and super-tax be referred to a Select Committee consisting of thirty members, namely Shri K. R. Achar, Shri P. Subbiah Ambalam, Shri Amjad Ali, Shri Premji R. Assar, Shri Bahadur Singh, Shri Prafulla Chandra Borooah Shri D. R. Chavan, Shri Shree Narayan Das, Shri Mulchand Dube, Shri M. L. Dwivedi, Shr. D. A. Katti, Shri P. Kunhan, Shri Bhausaheb Raosaheb Mahagaonkar, Shri Mathew Maniyangadan, Shri M R. Masani, Shri T. C. N. Menon, Shri Radheshyam Ramkumar Morarka, Shri Narendrabhai Nathwani, Shri C. D. Pande, Shri Naval Prabhakar, Shri Ram Shanker Lal, Shri Shivram Rango Rane, Shri Jaganatha Rao, Shri K. V. Ramakrishna Reddy, Shri A. K. Sen, Shri Laisram Achaw Singh, Dr. Ram Subhag Singh, Shrimati Tarkeshwari Sinha, Shri Radhelal Vyas, and the mover with instructions to report by the last day of the first week of the next session.

Sir, this Bill, the full text of which has already been circulated to the hon. Members constitutes a landmark in the history of income-tax legislation in India. May I crave the indulgence of the House while I survey this history in brief?

Income-tax has been with us for over a century. It was in 1860 that it was introduced for the first time. Between 1860 and 1886, as many as 23 Acts were passed. The details regarding the provisions in those days are not of much importance. However, hon. Members might be interested to know that as early as 1886 it had been observed that "owing to the perpetual changes, the people, never certain who was liable or what was the sum due,

were an easy prey for fraud and extortion; while the superior officials time after time found their labours thrown away and a fresh battle with guess work and deception had to be begun". So, even in those days, the administration of a very simple levy, as it then was, had given rise to difficult problems.

The year 1886 makes the next important change in the history of income-tax legislation. In the Act passed that year, incomes were divided into four classes. All incomes other than agricultural income were made taxable though specific exemptions were provided on items like incomes of charities. The rates of tax were low and the machinery was simple. The work was done by land revenue officers as a subsidiary activity. The Collector had power to compound the assessments with an assessee—whether an individual or a company—for a number of years.

The simple machinery set up by the 1886 Act worked well enough as long as the rates of tax were low. However, with the advent of World War I, the income-tax, like other taxes, had to be increased. With the stepping up of the rates, a radical change in procedure was also introduced. Further changes were made in 1916 and 1917 but these were found inadequate and a substantially changed Act came into existence in 1918. The system of compounding of taxes for a number of years by the Collector was abolished and new assessments were required to be made for each year at a time based on the income of that year. The Commissioner was vested with discretion to refer doubtful points of law to the High Court *suo moto* or at the instance of the assessee.

Then came the substantial revision in 1922. Provincial Committees were appointed for examining questions that had arisen in the course of the administration of the tax. After these committees had reported, an All-India Committee was appointed in 1921. The recommendations of this Committee formed the basis of the Act of 1922, the Act which is now being proposed to be replaced.

Though the present Act is called the Income-tax Act, 1922, it differs in very many important respects from the Act as it stood in 1922. Substantial amendments were made in 1939 on the basis of the recommendations of a Special Enquiry Committee composed of tax experts from England and India. The important changes associated with the 1939 amendment Act are the change-over from the 'step' to the 'slab' system of rates; the taxation of residents on their income accruing abroad whether remitted to India or not; the provision deeming the whole of the available profits to have been distributed by a company in which the public were not substantially interested if it did not distribute a minimum percentage of such profits; the provision for a longer time in which to keep assessments and claims for refunds open, and the creation of a separate cadre of Assistant Commissioners designated as Appellate Assistant Commissioners.

Between 1939 and now, some 35 Acts have been passed. In 1941, the Income-tax Appellate Tribunal was constituted. In 1944, the system of 'pay as you earn' for collecting advance tax was introduced as a complement to the system of collecting taxes at source from incomes like salary. Section 34 of the Income-Tax Act designed for reopening assessments was recast in 1949 as a result of the recommendation made by the Income-tax Investigation Commission. Certain new provisions were introduced with a view to providing incentives for accelerating the industrial development in the country, *e.g.*, the provision of initial depreciation, the five year tax-holiday for new concerns, the exemption of super-tax from dividends received by companies from new companies engaged in certain prescribed industries, etc.

In 1953, the Taxation Enquiry Commission submitted its report and some of the provisions of the Income-tax Act were changed on the basis of the

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recommendations contained in that report. Thus section 23A was recast. A penal super-tax was imposed on a company in which the public was not substantially interested if it did not distribute a prescribed percentage of its available profits. In order to encourage industrial undertakings to replace or to acquire new plant and machinery, a development rebate was provided, and at the same time, the provisions relating to initial depreciation were withdrawn. The latest changes relating to the taxation of the profits of the companies and the dividends paid by them are fresh in our minds and I need not dilate on them.

The Income-tax Investigation Commission to whom I referred a moment ago, was, as hon. Members are aware, appointed to deal with the cases of substantial tax evasion by war-time profiteers. An unforeseen development relating to the Income-tax Investigation Commission Act, 1947, was the striking down of some of its provisions as being *ultra vires* of the provisions of the Constitution relating to the avoidance of discrimination. This led to a further change in the provisions of the Income-tax Act in order to remove the element of discrimination in the provisions relating to reassessment, calling for information, etc. Later, having in view the numerous criticisms made about the unplanned growth of the provisions of the Income-tax Act, it was decided to re-examine the whole of the Income-tax Act with a view to its simplification and to its re-arrangement in order to make it more intelligible. This work was entrusted to the Law Commission in 1956 which sent its report in 1958. Copies of the Law Commission's report have already been laid on the Table of the House and the hon. Members are no doubt aware of the recommendations made thereon.

In the meanwhile, several new items of direct taxes had been introduced. The Estate Duty Act was passed in 1953. Wealth-tax, Expenditure Tax and Gift Tax were introduced during 1957-59. Capital Gains Tax which had been imposed in 1946 but revoked in 1948 was re-introduced in 1957. All these new taxes were required to be administered by the Income-Tax Department. After taking into consideration the growth and complexity of the laws to be administered, it was decided to appoint a Committee 'to advise Government on the administration, organisation and procedures necessary for implementing the integrated scheme of direct taxation with due regard to the need for eliminating tax evasion and avoiding inconvenience to the assessees. As hon. Members are aware, the Direct Taxation Administration Enquiry Committee, under the able guidance of its Chairman Shri Mahavir Tyagi, submitted their report by the end of 1959. Thereafter, the recommendations by that Committee were fully examined by the Government and their decisions on those recommendations have already been placed before the House.

Hon. Members will find in the new Bill that the basic structure of the existing Act is preserved and that care has been taken to retain, as far as possible, the expressions occurring in the existing Act. Simplification has been sought to be obtained by replacing obscure and ambiguous expressions by clear ones and by re-arranging the provisions of the Act so as to make them more easy of comprehension than they are at present. Of course, it would be idle to expect the provisions of a comprehensive enactment relating to income-tax to be so simple as to be understood without any effort. Many of those who have no income except salary are bewildered and vexed when they see the rather frightening forms in which they have to make their annual returns. However, the application of the law of income-tax is not confined to the salariat alone. It is required to be so far-reaching and pervasive as to reach the incomes emerging from all economic activities of a modern industrial community. Each of these activities has its own special characteristics calling for special treatment.

Again, there are several types of persons carrying on these activities—individuals, firms, companies, Hindu undivided families and so on—and they have to be separately dealt with. A law which has to cover a wide variety of incomes and of classes of persons deriving them cannot but be conditioned by the comprehensive and the complicated nature of its subject-matter. Hon. Members can, therefore, very well appreciate the observation of the Codification Committee in England quoted by the Law Commission that to expect "a codification of the law of income-tax which the layman could easily read and understand was a vain hope". Having said this, I hasten to add that the tax-payers are entitled to have a clear picture of their rights and liabilities under the Income-tax Act and in preparing the Bill this end has been kept in view.

I shall now touch briefly on some of the important changes in law proposed to be effected through this Bill. I shall deal with them under three categories: (i) those which aim at removing difficulties felt by assessees; (ii) those which are designed to provide a better procedure for the administration of the Act; and (iii) those which are designed to deal with the situations created by attempts at avoidance and evasion.

Taking up the first category, I may begin with a reference to the provisions relating to the taxation of monies remitted to India from abroad. Under the law, as it stands today, a resident is taxable, subject to certain concessional provisions, on the income remitted by him to India out of past foreign profits. The effect of the concessional provisions is such that remittances out of past foreign profits will not be taxed as such, if the taxes, if any, outstanding on the date of remittance are paid within three months of the remittance. In spite of these concessions, the mere existence of the provisions enabling the taxing of remittances in certain extraordinary circumstances has been stated to create apprehensions in the minds of those who wish to bring their foreign funds into India. In order to remove this apprehension, it is now proposed to delete altogether the provision relating to tax on remittances of past foreign profits.

I wish to refer next to the proposal which would be of interest to Indian traders abroad. The provision in the present law renders a person resident in any year for the purposes of the Income-tax Act if in the four preceding years he had been in India for a period of 365 days and in the relevant year was in India for any period, however short, on a visit which was not casual or occasional. A difficulty which has been encountered in applying this provision arises in deciding whether a particular visit of a small duration is casual or not. In order to avoid this difficulty, it is now proposed not to treat a person as resident under the relevant provisions if the period of his stay in India does not exceed 30 days in the year concerned.

The next proposal which, I hope, will be widely welcomed relates to the rationalisation of the provisions relating to levy of tax on capital gains. Under the existing law, any distribution of capital assets on the partition of a family or by way of gift or through a will or any transfer of capital assets by a parent company to its subsidiary under certain conditions, are not regarded as transfers for purposes of levy of capital gains tax. To this list of transactions, which are to be treated as transfers, the Bill adds distributions of capital assets on the liquidation of a company or the dissolution of a firm or the conveyance of such assets to an irrevocable trust. Shareholders receiving on the liquidation of a company, assets of value in excess of the cost of acquisition of the shares will, of course, be assessed to capital gains tax on such excess.

Another change in the provisions relating to capital gains tax provides a uniform procedure for computing the cost of acquisitions, where

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they are acquired by way of inheritance, gift, partition or from a dissolved firm. At present, the procedure for arriving at the cost of acquisition of assets in these cases is not uniform. For example, in all these cases an option is given to substitute the fair market value on 1st January, 1954 if the assets were acquired before that date but where the properties are received on partition or through a gift, a further factor depending upon whether the property is acquired before or after 1st April, 1956, is taken into account. These provisions have been causing inconvenience and it is, therefore, proposed to adopt a uniform procedure as recommended by the Law Commission, *viz.*, to give to all assessees a choice between the actual cost of acquisition or fair market value on 1st January, 1954, if the assets are acquired before that date.

16 hrs.

Hon. Members will be interested to note clause 241 of the Bill which relates to payment of interest by Government on refunds delayed by more than six months. As the hon. Members are aware, the Direct Taxes Administration Enquiry Committee has recommended that the Department should undertake to pay interest to assessees at 6 per cent per annum, if there was a delay of more than six months in granting the refunds unless the assessee himself was responsible for the delay. The Government has accepted the recommendation subject to the modification of the rate of interest from 6 per cent to 4 per cent, consistent with the rate of interest to be paid by the assessees if they are in default in payment of taxes.

Another provision which will be received with favour is the limitation now proposed in respect of the period within which assessment can be reopened for assessing escaped incomes. Hon. Members may recall that in 1956, we amended the Income-tax Act to provide that an assessment can be reopened for reassessing incomes which have deliberately been concealed within a period of 8 years in ordinary cases and without any limit of time where the aggregate concealment in one or more years falling beyond the eight year limit amounts to Rs. 1 lakh or more. The time-limit for completing the assessment in such cases was also removed by that amendment. It was necessary to have those drastic provisions at that time because we were faced with the problem of dealing with cases referred to the Income-tax Investigation Commission, the proceedings before which were declared invalid by the Supreme Court.

Now that these cases have been disposed of, it is no longer necessary to keep the provisions of this section in the same shape as they are to-day. Further, these provisions will be a source of harassment to small taxpayers in future because when years advance and consequently the number of years over which the sum of Rs. 1 lakh has to be spread over becomes larger, these provisions would apply even to cases where the suspected concealment is just a few thousands of rupees in each year. The Government has, therefore, accepted the Law Commission's recommendation that where the escapement is Rs. 1 lakh or more spread over more than one year, this provision should be limited in its operation for a period of 16 years and that the Department should be precluded from taking any action for any past year without limit of time unless the escapement is Rs. 50,000 for each such year. A time-limit has also been imposed for the completion of the reassessments.

A provision which will be of interest to persons engaged in the professions is that in clause 64. Under the existing law, if a husband and wife are partners in the same firm, the share income of the wife is clubbed with that of the husband, who has to pay tax on the income so aggregated. The Law Commission has expressed

itself against this provision as applied to partnerships between husband and wife engaged in professions as doctors, lawyers, etc. The Commission has recommended that such cases should be exempt from the operation of this provision. The Government has accepted this suggestion and the provision has been suitably modified.

Talking of partnership assessments, I invite attention to clause 91 of the Bill which seeks to provide relief from double taxation to non-resident partners of a resident registered firm. Under section 49D of the Income-tax Act, a resident assessee, who has been taxed on his foreign income in India as well as in a country with which no Double Taxation Avoidance Agreement exists, gets relief from the Indian tax payable by him on the foreign income, an amount equal to the Indian tax or the foreign tax on that income, whichever is lower. As this provision applies only to residents, a hardship of a peculiar nature arises in the case of non-resident partners of resident registered firm. As the firm is resident, its foreign income is included in its assessable income. As it is a registered firm, the partners are assessed on their share of income from the firm. If the partner happens to be a non-resident, he will thus be taxed on his share of the firm's foreign income in the two countries, in India on the ground that the share is received from a resident firm, in the foreign country on the ground that the income arises therein. Unilateral double income-tax relief will, however, not be available in India because he is a non-resident. In order to remove this hardship, it is now proposed to extend the benefit of unilateral relief to such cases.

More instances providing relief from hardship will be found in the Bill and I shall stop with mentioning only one more—the provisions for recognising gratuity funds. The existing Act contains provisions relating to recognised provident funds and approved superannuation funds. Any payment made to these funds by an employer is permitted to be deducted from his income. In recent years, however, a number of industries have started setting up gratuity funds with a view to making provision for payment of gratuity to employees. At present, there are no provisions for the recognition of these gratuity funds for the purpose of the income-tax Act. It is now proposed to make provisions for the approval of gratuity funds on lines similar to those applicable to superannuation funds. These are contained in Part C to the Fourth Schedule of the Bill.

I shall now turn to the second category of proposals, *viz.*, those which are connected with procedure. There are several of them, but I shall refer to only three.

As Hon. Members are aware, the Law Commission had recommended the abolition of the Appellate Tribunal and their draft was based on the assumption that there would be no Appellate Tribunal. However, Government have not accepted this recommendation of the Law Commission and the existing provisions relating to the filing of appeals to the Appellate Tribunal, and the statement of cases by the Tribunal to the High Court are to continue with an important addition. It is proposed that where there is a conflict in the decisions of High Courts in respect of any particular question of law required to be referred by the Appellate Tribunal to the High Court, it may, if it considers expedient that a reference should be made direct to the Supreme Court, do so through the President of the Tribunal.

The second important provision or set of provisions of the second category relates to the procedure for recovery of tax in cases where a certificate of recovery is issued by the Income-tax Officer. Under the existing law where an assessee is not in default recovery proceedings may be initiated by the Income-tax Officer sending a certificate to the local Coll-

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ector. The local Collector thereupon proceeds to recover the amount certified in accordance with the provisions of the Revenue Recovery Act in force in the State concerned. The procedure relating to recovery under the Revenue Recovery Acts differs from State to State and even in respect of each State sometimes there are more than one Revenue Act to be administered. This has given rise to difficulties and the Supreme Court has observed in a case which went before them that:

> "for the enforcement of the levy of a central tax, like, income-tax, there should be uniformity of procedure and identity of consequences of non-payment".

Further, the Direct Taxes Administration Enquiry Committee has recommended that the revenue collection should be taken over by the Central Government itself, under a self-contained Code. The Law Commission has drawn up such a self-contained Code in a comprehensive schedule. In this schedule the Commission has codified the provisions relating to the Revenue Recovery Acts prevailing in the various States as well as those available in the Civil Procedure Code. It is proposed in the Second Schedule of this Bill to adopt, with some modification, the provisions recommended in this connection by the Law Commission. The Schedule is drafted in such a way that at a future date, it will facilitate the taking over of the administration of the recovery by the Central Government officials as suggested by the Direct Taxes Administration Enquiry Committee.

The last proposal I wish to refer to under the second category of provisions is the one relating to the abolition of the class 'not ordinarily resident' applicable to individuals. This proposal does not wholly relate to procedure. However, the proposal is made in view of the procedural difficulties which the existing classification 'not ordinarily resident' has created in administering the law.

On the basis of certain tests laid down in the Income-tax Act, the assessees are categorised as (i) "resident", (ii) "non-resident" and (iii) "resident but not ordinarily resident". The last category "resident but not ordinarily resident" was introduced for the first time in 1939. It was then enacted that a person would be considered as 'not ordinarily resident' if even though 'resident' in the previous year, if he had been a 'non-resident' in any of the preceding nine years or had not been in India for more than two years in a period of seven preceding years. This category of assessees derived a double advantage. His foreign income was not taxed unless derived from a business controlled from or a profession set up in India or unless his foreign profits were brought into India. Further, the rate of tax applicable to him on his Indian income was determined on the basis of that income, whereas in the case of residents as well as non-residents, the world income forms the basis for arriving at the effective rate of tax. Thus, a person 'resident but not ordinarily resident' got a better treatment than both 'residents' as well as 'non-residents'. The question whether there was any justification for continuing this special treatment for a class of assessees was examined by the Income-tax Investigation Commission, Taxation Enquiry Commission and also the Law Commission. All the three Commissions have clearly declared against continuing this category of persons in the Income-tax Act. Having regard to the unanimous view of these three Commissions and also to the considerable difficulties experienced in determining whether a person is 'not ordinarily resident' or not in any year—a process which involves examination of events covering nearly fifteen previous years—it is now proposed to accept the recommendation of these three Commissions and delete this category.

I now come to the last category of proposals which I may describe as tightening up provisions. I may say at the outset that most of the proposals in this regard have been recommended by the Direct Taxes Administration Enquiry Committee, which worked, as I said, under the able chairmanship of Shri Mahavir Tyagi.

Shri Braj Raj Singh (Firozabad): You have stated that he was the able chairman. But his name did not find a place in the list of members of the Joint Committee.

Shri Morarji Desai: Probably the whip did not look into it.

This House has had an opportunity of discussing that Report on the 29th November 1960 in the course of a motion tabled by hon. Members. I shall not, therefore, take the time of the House discussing these provisions in detail, but I shall briefly mention some of the major items.

The first one is that which relates to the exemption now available in regard to income from charitable trusts. Under the present law, a charitable trust can earn exemption on its income even if it does not actually apply its income for charitable purposes but accumulates it for future application to the objects of the trust; further, a business run by a charity can earn exemption if it is run in the course of carrying out a primary object of the trust or the work relating to the business is carried on by the beneficiaries of the trust. These provisions are proposed to be altered as a result of the recommendations of the Direct Taxes Administration Enquiry Committee. It is now proposed in the Bill that any accumulation in excess of 25 per cent of the income of the trust in any year will be brought to tax and any business which is not carried on in carrying out a primary object of the trust will be disqualified for earning the exemption.

Another recommendation of the Direct Taxes Administration Enquiry Committee which has found place in the Bill is that which specifically imposes an obligation on every person having taxable income to furnish his return before a specified date—four months after closing accounts or 30th June of the financial year, whichever is later, in cases of business and 30th June in respect of other cases. The Committee has recommended that if any assessee fails to submit his return by that date, he should be made liable to pay interest at six per cent per annum until the date of filing the return or the date of assessment, whichever is earlier. In the Bill this recommendation has been implemented with a modification that a period of grace is allowed upto the end of September and interest will start accruing only from the first of October of the year. Talking of interest, I would invite hon. Members' attention to another provision in this Bill—clause 220(2)—which prescribes payment of interest at 4 per cent per annum by assessees who delay payment of their taxes beyond the dates specified in the demand notice. This is also pursuant to the recommendation of the Direct Taxes Administration Enquiry Committee—the rate adopted is 4 per cent as against the recommended rate of 6 per cent. This is in addition to any penality the assessee may incur for default in payment of tax. Interest is payable even if time is granted for paying the tax beyond the period specified in the demand notice.

The next proposal to which I would like to refer as falling in the category of tightening up provisions,. relates to private limited companies. The Direct Taxes Administration Enquiry Committee has recommended that in the case of companies known as the 23A companies in the income-tax parlance, if the tax levied on the company cannot be recovered from the company, the Directors and shareholders should be asked to make good the amount of tax remaining unrecovered. Some of the hon. Members of this House who had occasion to discuss this proposal in

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one of the meetings of the Informal Consultative Committee were of the opinion that this recommendation went a little too far and should not be accepted *in toto*. Accordingly, the proposal has been accepted in a modified form so as to make it applicable only to private companies as defined in the Companies Act. The liability for the payment of unrecovered tax will fall on all the Directors and on shareholders having substantial interest in the company, *i.e.*, those having shares carrying not less than 10 per cent of the voting power.

The Direct Taxes Administration Enquiry Committee has also pointed out that there have been many instances where persons who acquired companies which had substantial losses in an earlier year, carried on profitable business through them and were able to reduce their tax liabilities by setting off against the profits, the earlier losses of the company when the shares were held by different persons. It has, therefore, recommended that in the case of companies in which public are not substantially interested, such set-off of losses against subsequent profits should be allowed only if the shareholders in the year in which the income is earned are substantially the same as those for the years in which the losses were incurred. This recommendation has been accepted and provision has accordingly been made.

The provisions of the Act relating to levy of penalty and launching prosecutions for tax offences have now been tightened up so as to make them more deterrent. At present, there are no minima laid down for penalties to be awarded and this has enabled many a person to escape on appeal with a very light or even no penalty. In the Bill, accepting the Direct Taxes Administration Enquiry Committee recommendations, minimum penalities leviable are prescribed. Further the existing provision which prevents the Department from launching prosecution in respect of an offence for which penalty has been levied has been deleted. This will enable the Government to prosecute in appropriate cases assessees who are guilty of tax offences even after subjecting them to penalties under the Act. It is also now clarified that any false statement before an income-tax authority or in a return given to him is punishable under the appropriate provisions of the Indian Penal Code.

Another recommendation which aims at curbing tax evasion is that which makes abetment of tax evasion an offence punishable under the Act. It has now been provided that any person found guilty of aiding or abetting another person in concealing income will be liable to pay a penalty of not less than Rs. 500 and not exceeding Rs. 5,000. In order to safeguard that this power is not misused, it is proposed to vest the power of passing penalty orders in officers of the rank of Assistant Commissioners and above.

Sir, I have given only a broad review of the more important of the several provisions contained in this Bill. The Select Committee, to which I propose that the Bill be referred by the leave of the House, will have ample opportunity for examining all the provisions in detail.

Sir, I move that the Bill be referred to a Select Committee.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to consolidate and amend the law relating to income-tax and super-tax be referred to a Select Committee consisting of thirty members, namely, Shri K. R. Achar, Shri P. Subbiah Ambalam, Shri Amjad Ali, Shri Premji R. Assam, Shri Bahadur Singh, Shri Prafulla Chandra Borooch, Shri D. R. Chavan, Shri Shree Narayan Das, Shri Mulchand Dube, Shri M. L. Dwivedi, Shri D. A. Katti, Shri P. Kunhan, Shri Bhausaheb Raosaheb Mahagaonkar, Shri Mathew Mani-

yangadan, Shri M. R. Masani, Shri T. C. N. Menon, Shri Radheshyam Ramkumar Morarka, Shri Narendrabhai Nathwani, Shri C. D. Pande, Shri Naval Prabhakar, Shri Ram Shanker Lal, Shri Shivram Rango Rane, Shri Jaganatha Rao, Shri K. V. Ramakrishna Reddy, Shri A. K. Sen, Shri Laisram Achaw Singh, Dr. Ram Subhag Singh, Shrimati Tarkeshwari Sinha, Shri Radhelal Vyas, and Shri Morarji Desai".

with instructions to report by the last day of the first week of the next session.

Shri N. R. Muniswamy (Vallore): Sir, may I suggest that the Finance Minister's speech may be circulated to Members, because it is very important? Then every one will be able to focus his attention on it.

Mr. Deputy-Speaker: To be circulated to all Members? Members of the Select Committee shall have it for their benefit; and before it comes here again we will have that benefit also. I will see if it can be circulated.

Before calling upon any hon. Member to proceed with this discussion, I might inform the House that the Ministry of Parliamentary Affairs has recommended three hours for this motion.

Shri V. P. Nayar (Quilon): May I make a submission? This Bill is not an amendment but almost a new Bill and it has 298 clauses. The Bill has been shaped on two voluminous reports which run to more than a thousand pages of printed matter.

And, secondly, because we have passed certain Income-tax Amendment Bills in the past this House has been, should I say, slandered. Because, in the report of the Law Commission certain very disparaging words have been used about the way this House has been passing legislation regarding Income-tax. Therefore, it is absolutely essential that the House should defend its prestige in this debate. For these reasons I submit that instead of three hours which you have been pleased to suggest, the Bill may be discussed at least for ten hours. In the past . . .

Mr. Deputy-Speaker: After all, it is a motion for reference to Select Committee. The Select Committee shall have ample opportunities of discussing it for as long as they like. Then it will come back here for discussion. At that time the Business Advisory Committee would fix a time suitable for discussion of the Report of the Select Committee in all its details when it comes back from the Select Committee.

Shri V. P. Nayar: You will also find, Sir, that although the Finance Minister claimed at first that he was only moving a very simple Bill, he has taken forty-five minutes and made many new points not referred to in the Statement of Objects and Reasons to the Bill.

Mr. Deputy-Speaker: If he had not done that the complaint would have been that he did not explain it.

Shri C. K. Bhattacharya (West Dinajpur): May I make a few submissions? I will take only three or four minutes.

Mr. Deputy-Speaker: If he takes three or four minutes and if I allow about a dozen Members like that, it will take away one hour.

Shri C. K. Bhattacharya: I am always for economising time and breath!

I have given notice of a Bill to amend the Income-tax Act (Amendment of section 2). That Bill has received sanction from the President and it is pending consideration by this honourable House. I request the Fin-

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ance Minister to take up my Bill along with his Bill before the Select Committee so that the two may be considered together. What I have suggested is this. In fact, I have spoken on this matter elaborately.

Mr. Deputy-Speaker: Do I understand that what he has suggested has now been proposed here and is contained in this Bill, or is it a different thing?

Shri C. K. Bhattacharya: I have suggested an amendment of section 2 to define the Hindu undivided family which has remained undefined in the existing Act and has created difficulties. In the present Bill also that position is maintained . . .

Mr. Deputy-Speaker: I think we are trespassing on our time. I suggest that the hon. Member might find other ways of appearing before the Select Committee and pressing his point of view. Perhaps the Select Committee might see its way to have some amendments made according to the liking of the hon. Member, if he can persuade the Committee.

Shri C. K. Bhattacharya: I am not in the Select Committee.

Mr. Deputy-Speaker: But he can appear there as a witness also.

Shri Ram Krishan Gupta: My Bill is also pending.

Dr. M. S. Aney (Nagpur): It is a question of principle, and the Select Committee may not allow that matter to be considered unless it is settled here by the House itself.

Mr. Deputy-Speaker: I do not know in what form it would take it up. I cannot say that just at present, whether it would be relevant or not.

Shri Tyagi (Dehra Dun): It cannot be irrelevant because the whole income-tax law is being entrusted to the Select Committee. So, this can fit in as an amendment anywhere.

Mr. Deputy-Speaker: That is all right. I am only talking now about the time that has to be taken for this motion.

Shri V. P. Nayar: The time may be extended later.

Mr. Deputy-Speaker: Three hours have been suggested . . .

Shri Braj Raj Singh: At least ten hours should be given.

Shri Ram Krishan Gupta: Six hours may be given.

Shri N. R. Muniswamy (Vallore): Six hours may be given.

Mr. Deputy-Speaker: I think ten hours are too much. I think five hours would be sufficient. We have more than an hour today, and we shall have five hours tomorrow, that means, the whole of tomorrow. I think that would suffice.

An Hon. Member: But, tomorrow, there is also non-official business. Let us have six hours for this.

Mr. Deputy-Speaker: Whatever it is, we shall have six hours in all.

Shri V. P. Nayar (Quilon): Mr. Deputy Speaker, Sir, after hearing the hon. Minister, I think it is very necessary to make some preliminary observations before I come to some important principles of the Bill.

In the Statement of Objects and Reasons you will find that what was intended was only a simplification, the basic structure of the Act remaining unchanged. But, as I heard him, I was inclined to think that that was not going to be the case. I want to submit at this juncture that the Finance Minister who has based his Bill on two reports which were in his hands, the latter of them by November, 1959, has not taken proper steps to introduce this mammoth Bill in the right time.

You know, Sir, that the Bill first appeared in our dak only last Saturday, and the Bill itself was introduced in the House only this Monday. We have been given hardly three days to digest all this and also all these voluminous reports, and therefore, it is necessary for me to protest against the attitude of the Finance Minister, it was not at all proper on his part, while bringing forward such an important legislation and on a matter in which we have betn accused of having been tinkering with the legislation in the past, to have delayed the submission of the draft Bill to the House as he has done.

I find also that he has not given this House all the information which was available with him. I know that the Law Commission's report as also the report of the Direct Taxes Administration Enquiry Committee, which I shall hereafter call as the Tyagi Report for brevity, have been circulated. But in the second paragraph of the Statement of Objects and Reasons, I find it is stated thus:

> "The recommendations of the Law Commission and the Direct Taxes Administration Enquiry Committee were examined in the Central Board of Revenue by a special committee of senior officers in consultation with the Ministry of Law. This committee also had to take into account suggestions for amendments received by Government from time to time from members of the public, Chambers of Commerce and other persons interested."

I ask this simple question of the hon. Minister, who I see is going away from the House just now— why it was not possible for him to give us the material on which, from his speech it appears, the Government were forced to make certain changes.

It is absolutely necessary that while a Bill of this kind is being moved in the House, hon. Members should get an opportunity to go into all the records which are before Government, and these have been, according to me, held away from us for some specific purpose. I find, for example, that some few persons who are characterised as persons interested have also sent their reports. Therefore, it is my request that that even if this House has not been given all those records and all those statements, at least the Select Committee may please be given all the materials on the basis of which this Bill has been modified in its present form.

Then Sir, I would like to take up another important question. The hon. Minister mentioned about several commissions and reports, the Law Commission's report, the Income-tax Investigation Commission's report and the Tyagi report. But he did not give us an idea of what the exact position of income-tax in this country is at present. I am afraid that it will take some time for me to explain why this Bill is not enough to meet the purposes, and why the principles which are now seen in this Bill have necessarily to be changed, but I shall come to that point later.

Now, I must submit that the report of the Law Commission to which I made a reference clearly gives us an indication of what the position of income-tax law in this country is although I am sorry to say—for probably, it was not in the terms of reference—that it does not give us any idea of the situation as regards income-tax. This was a commission consisting of some of India's best men from the legal profession, and men who had considerable experience in the income-tax law. It was a very high-powered commission with the Attorney-General and three or four Advocates-General in it.

The first sentence in the introduction says:

> "There is hardly any Act on the Indian Statute Book which is so complicated, so illogical in its arrangement, and in some respects

[Shri V. P. Nayar]

so obscure as the Indian Income-tax Act, 1922."

The report proceeds:

"Provisions dealing with the same topic or subject-matter are scattered through the various Chapters of the Act, and only a thorough knowledge of the whole Act would enable any one to find out all the provisions bearing on a certain point. Added to the illogicality of the arrangement are two other defects, inaccuracy in the use of language and a degree of obscurity which make it difficult to have a glimpse of the real intention of the legislature."

Then, some sentences below they say:

"The hopeless confusion into which the Income-tax law has fallen is mainly due to precipitate and continuous tinkering with the Act by the legislature."

You know income-tax is a Central subject. When the Law Commission referred to the legislature it could only refer to this House and the Rajya Sabha because it is not open to any of the State legislatures to bring forward an amendment of the Indian Income-tax Act. I do not for a moment critcise the Law Commission and I feel that in saying so they were justified to some extent. What I want to submit is this. We want to avoid in future, comments like this.

The Law Commission has said:

"Stability is most essential to the proper administration of a taxing statute; and if the tax structure of this country is to be put on a sound footing; it is essential that a halt should be called to the making of ill-digested amendments in a frenzy of hurry which hs characterised the history of income-tax law of the last few years."

In the last few years our friends opposite were in power. We were here also. The Law Commission does not refer to the progress of the amendments from the year 1860. The Law Commission definitely says that ill-digested amendments have been brought in a frenzy of hurry and it has characterised the history of the income-tax amending laws in the last few years. This is precisely, Mr. Deputy-Speaker, what I want to avoid. I want a thorough discussion on this. I do not want another Commission, later on; to say that in a frenzy of hurry this Bill was considered, in a frenzy of hurry this Bill was ill-digested and sent out as an Act. Therefore it was at the beginning when you enquired about the time which is required I submitted that it will require 10 hours. Because when something is said about the House each and every Member has to feel that it is about him also.

In the past when the Income-tax Bills like this were before this House we have tried our utmost to warn the Government of any tinkering with legislation in haste. We have used the same words. What was the result? The hon. Minister mentioned about the Investigation Commission but he did not give the facts. He only stated that the Supreme Court struck down as *ultra vires* one of the provisions we had passed. And it is something more than that. Therefore, I submit that we have to go into the details before we apply our minds to the principles of this Bill. (*Interruption*). Not only section 34; there are many sections.

What I was submitting was that having regard to the volume or the number of provisions in this Bill, the principles which the hon. Minister was pleased to explain today and also the utter chaos and confusion as regards the administration of income-tax in this country, it is imperative that we should have a thorough discussion.

Now, Sir, I would like to take up the position of income-tax as we have at present. Unfortunately, it is not possible for me to refer to the original documents because that will take more time. Therefore I may be permitted

to read figures from my notes. I have figures here collected—of course as usual, from Government publications and more especially of the Finance Ministry,—which will give us an indication of where we stand in regard to income-tax. Despite the claims of increase in production after the commencement of the First Five Year Plan, we find that the collection of income-tax is going from bad to worse and the Income-tax Act is responsible for all that happens in regard to the income-tax of this country. Thus we find that in 1950-51, the year before the First Plan was launched, the income-tax collections stood at Rs. 132.73 crores. Ten years later in 1960-61 the income-tax collected has come down to Rs. 127.50 crores. I am quoting these figures from the various Budgets. While the national income is said to have received a great boost, let us find out how the income-tax collection has been affected. The collection of income-tax has gradually come down from 1951 to this amount in 1961. As our country requires more and more of funds for planned development. When there are certain resources in our own country, our Finance Minister has no shame to go out to foreign countries with a beggar's bowl. Our public debt today stands at Rs. 5500 crores; it is no joke and our loans at the end of this year will amount to nothing less than Rs. 1200 crores. But here is a very potential source and we are not tapping it.....

Mr. Deputy-Speaker: The hon. Member should not use such severe expressions which are not warranted. He meant to say that the Finance Minister had been going out without shame and so on. He went on behalf of the country.

Shri Narasimhan (Krishnagiri): When a similar expression was used before, he got up and protested against the use of such a language.

Shri V. P. Nayar: Then why does not the Finance Minister remain here? I shall use very temperate language.

Mr. Deputy-Speaker: There should be some restraint in expressions.

Shri V. P. Nayar: We cannot always control our emotions when our country is being committed to a greater and greater debt.

Mr. Deputy-Speaker: I have to exercise that control and that is my duty; I will exercise it.

Shri V. P. Nayar: I am making out a case that during the First and the Second Plans, the management of the affairs of the income-tax had been such that from the first year of the Plan to the last year, there has been a continuous decline. I would ask the hon. Minister to refute me with figures.

Ch. Ranbir Singh (Rohtak): What about the corporation tax?

Shri V. P. Nayar: I am coming to it; I will give you separate figures and so you need not worry, I will give you the percentage also. The income-tax collected in 1951-52, the first year of the Plan was Rs. 146.19 crores plus a corporation tax—Ch. Ranbir Singh may note—of Rs. 41.41 crores.

16.37 hrs.

[MR. SPEAKER *in the Chair*]

The corresponding figures for 1955-56 were Rs. 131.36 crores and 37.04 crores. That is to say against income-tax and corporation tax which amounted to a total of Rs. 187.60 crores in 1951-52, the total is only Rs. 168.50 crores in 1955-56. There is thus definitely a decline. The same pattern is found in the Second Plan subject to this change, that in the corporation tax there has been a slight increase which is very negligible, not at all in proportion to the increase claimed in production or in the national economy.

In the first year of the Second Plan the income-tax collected amounted to Rs. 151.74 crores and in the last year it came down to Rs. 127.50 crores. It is not a small decline. If you take the income-tax and the corporation tax together, there has been an increase of some Rs. 35 or Rs. 38 crores. Let us not forget that during this period—and Ch. Ranbir Singh might very well know—the net of income-tax was cast

[Shri V. P. Nayar]

very wide; the slab was reduced and therefore, naturally more people were made to pay. Let us consider another side of the picture which is even more suggestive. In 1951-52 out of a total assessment made of Rs. 195.88 crores, the tax collected amounted to Rs. 146.19 crores which expressed in terms of percentage was 74.6 per cent and the amount of arrears in that year was Rs. 49.69 crores.

Now the latest printed statistics of collection of income-tax are as old as 1955.56. But from the cyclostyled information which is available, I find that in 1958-59—the latest year for which I had the information in Parliament Library—the assessment was for Rs. 254.01 crores and the collection was Rs. 172 crores. This represents as against 74.6 per cent, only a percentage of 67.7, and the arrears stood at Rs. 82.09 crores. Government, and especially the Finance Minister in the meanwhile; have been telling us repeatedly that in the Plan, the monopolists have not at all been encouraged. I want to pose this question; it is a simpe question. Why is it that when production has increased, when the profits have increased—I have no time; otherwise I would have given the figures regarding these items also—the income-tax collection alone goes down? I find from the explanatory memorandum that the expenditure for the tax collection has increased from Rs. 2.5 crores to Rs. 5 crores or even more: It has increased by about two and a half times. Why is it that from 1950 to 1959 we find that there is an accumulation of arrears, if the department is efficient? I am specifically referring to this because there is a whole chapter on regulating appointments and recruitment to the Income-tax Department

Let us now take the case of the assessees. The hon. Minister, while replying to the budget discussion; made a case that they are not encouraging the monopolists. But what is the pattern of the tax? In 1951-52, the number of assessees on income of Rs. 5,000 to Rs. 10,000—probably in those days it was the smallest number —was about 2,25 lakhs. Certainly a man with an income of Rs. 5,000 to Rs. 10,000 cannot be considered to be a very rich person, He is a middle class person. In the year 1958-59, their number rose to 6:10 lakhs. Meantime, those in the highest income bracket....

Mr. Speaker: The hon. Member will remember that we are not discussing the Finance Bill here. I think clause (iv) of Section 4 of the Income-tax Act says that the income-tax will be levied according to the rates prescribed from year to year and so on. How far the incidence falls on the rich man or the poor man ought not to be the subject-matter of discussion now. This Bill relates to the procedure of levying, collecting, regulating and so on. The hon. Member may confine his remarks to that aspect.

Shri V. P. Nayar: That is not the point. The point is this. You, Sir, were not here when I read a quotation from the report of the Law Commission. Of course, we do not very much desire to read that quotation! The Law Commission has said as follows:

> "....that it is essential that a halt should be called to the making of ill-digested amendments in a frenzy of hurry which has characterised the history of income-tax law in the last few years."

Therefore, I say that we must also digest and we must also find out the circumstances under which this law is to be brought forward.

Mr. Speaker: There is no quarrel about the law now—any law for the matter of that. We are not going into the incidence of taxation now. The hon. Member referred to the reply of the hon. Finance Minister to the budget, and observed that the Finance Minister had said that he is not trying to create monopolists, that he is trying to distribute the burden and so on. That is not relevant here.

Shri V. P. Nayar: I will come later on to the particular point—why even according to the new provision the pattern will not change, because the net is being cast very wide.

Mr. Speaker: We are not concerned with the pattern. The Income-tax Act does not regulate the rate and so on.

Shri V. P. Nayar: I am not referring to the rates, but there are chapters which give certain specific reliefs to the highest income slab—the industrialists, the businessmen.

Mr. Speaker: In the Bill?

Shri V. P. Nayar: In the Bill. There are certain rebates to certain industries, and certain industries in which they have holding interests and so on. I am submitting that specific provisions have been embodied in this Bill in regard to those who have the largest income and who control those industries like shipping, banking, etc.

Mr. Speaker: Very well.

Shri V. P. Nayar: I hope you will agree that it is not the landed aristocracy of India which pays the highest income-tax. It is the industrial class, the industrial leaders or the leaders of industries who come in the highest brackets. No professional man, not even the Attorney-General, I think, will come within the highest bracket. So, their number is remaining constant, and their proportion also is not very much different. Now that you have given me your indication, I shall not go into detailed figures. But I find that the lowest slab has increased three times in number, while the highest slab has not increased by 10 per cent even. Therefore, whatever the law, we find that the arrangement is not at all disturbed. As I submitted earlier, the arrears are mounting and the income-tax collection is declining.

Shri V. P. Nayar: It is in that concerned, I do not take any exception. Hon. Member may suggest ways and means of tightening up.

Shri V. P. Nayar: It is in that context that we must consider the provisions of this Bill. I will not refer to specific provisions, because it is for Select Committee to go into them. But you will find that in several cases, rebate is allowed to the industries. Taking the shipping industry, for example, I am sorry Shri Raghunath Singh is not here, there is a definite provision in this that the shipping industry will get a rebate on 40 per cent of the income. Do you know that the shipping industry has recorded the highest profit for any industry in India? I do say we have not got enough shipping. I also agree that shipping has to be developed. But we find that they are given a rebate of 40 per cent on the income. Here is a Government report on the corporate sector of India from which I find that the index of profits, after tax, in respect of the shipping industry stood at 2337 in 1957, taking the base figure as 100 for 1950. Yet, a rebate is given. We know that while all that has been given, still we have not been able to move in our own ships even 10 per cent of the PL 480 wheat. Still we are giving such concessions.

I am not referring to specific provisions. The rebate of 25 per cent which was given to industries has been reduced to 20 per cent. So far as it is done, it is good. But what do we find? The Minister himself said that industries which have a tax holiday for 5 years are walking away with concessions after concessions. Firstly, you are giving a definite percentage of rebate in several industries. They have been listed also. You know that some of the industrialists in our country who own several industrial establishments spread their tentacles and start new industries for claiming some rebate. Why do they claim rebate? We know in the matter of a new industry, Government first encourage them by giving licence for the import of raw materials. The raw material so imported is not consumed wholly in the industry, but sold in the black-market at exorbitant profit.

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Foreign exchange for capital equipment is sanctioned. If I had the time, I could have convinced the House that while foreign exchange is sanctioned for the import of new plants and equipment to establish a new unit of production, the invoices of foreign makers are deliberately inflated, and a portion of it is kept in a private account in the foreign country. There is one big industrialist whom our people had caught the other day. Then, there is a third benefit. Apart from the question of giving licences for import of raw materials which are sold in the black-market, they are given tariff protection, the moment they start production. There is also this incentive. If they export their production, Government subsidises the exports.

Added to all this, in sttting up a new industry, if you import raw material, which is not available in this country, the industry is bound to make more profits. That is the structure of our industry today. Take for example titanium dioxide. We have a factory run by world specialists—British Titans—in Kerala, and we have to pay more money for titanium dioxide manufactured in Kerala than for the titanium dioxide for which raw material is taken from India to England and the finished product shipped from U.K. That is the position of the industry. The moment you import raw material, even for the goods, there is greater demand, especially in chemicals and some other industries. That is a distinct advantage which is given. So, concessions after concessions are given to the industrialists who are in the highest income bracket. And what do they do? One man may be an expert in five industries or six industries. But, a new industry is started by the industrialist which has never been touched by him with a pair of tongs. They are started because the money can be withdrawn from the other industrial units and ploughed into new industries. I am asking the Finance Minister: is it for encouraging the monopolies to grow and spread tentacles into other fields of industrial activities that this rebate is given? I do not find any other reason. Industrial profits have registered an increase which is unmanageable. And when the profits, as a whole, have registered an increase, far more than rate of increase or the national income, we find that the tax is in arrears. The arrears are growing and the assessment for tax is also increasing commensurate with the increase in the nnational income. Therefore, that has to be looked into and I would request the Select Committee to go into the details and also get the information as to how the various industrialists have acquired new licences, how much has been ploughed into the new industrial units from other industries and what is the incidence of such relief by way of rebate.

Then, Sir, I come to the question of appointment of officers. How is it that when we are spending three times more on tax-collection than what we spent in 1951-52, the arrears are on the increase? There must be something basically wrong with the machinery which administers the Income-tax Act. I do not think the Public Service Commission selects all these officers. If from our ten years' experience we cannot reduce at least the arrears, then what is our function?

I want to give one or two quotations from the report on the working of the Income-tax Investigation Commission for the period 1954 to 1958, because there is a chapter in the Bill on the steps which have to be taken on the avoidance of evasion. The Income-tax Investigation Commission has given us very revealing reports. And do you know that over a thousand cases which were being investigated by the Income-tax Investigation Commission, and a few hundreds of them had been finally settled were rendered null and void by certain decisions of the Supreme Court? The Income-tax Investigation Commission, in their Report for the period 1954—

58, have these observations to make which we have to consider now because there is a whole chapter on the avoidance of evasion. They say:

> "This is because the Commission was rendered practically ineffective when the operative provisions of the Taxation on Income (Investigation Commission) Act were struck down as *ultra vires* of the Constitution by three successive judgments of the Supreme Court".

Here, again was the amending Bill which we passed and the provisions had no retrospective effect. But the Supreme Court did not worry about us and it struck them down as *ultra vires* and the effect of this Supreme Court decision is also given in the Investigation Commission's Report which was referred to by the hon. Minister when he was moving the Bill. It is stated:

> "The first of these judgments delivered on 28th May, 1954, in the case of Surajmal Mohta, a case referred under Section 5(4) and pending with the Commission, held that Section 5(4) and the procedure prescribed by the Investigation Commission Act in so far as it affected the persons referred under that section were *ultra vires* of Article 14 of the Constitution, and, therefore, void and unenforceable."

What was the effect? It is stated that 335 cases, including 194 cases which were being completed by the 26th January, 1950, had to be given up.

Then, there is another judgment of the Supreme Court.

> "The second judgment of the Supreme Court was delivered in October, 1954, in the case of Shri Meenakshi Mills Ltd., Vs. A. V. Viswanatha Sastri. This judgment struck down section 5(1) of the Commission Act as void and inoperative with effect from 17th July, 1954, the date on which Section 34 (IA) of the Indian Income-tax Act was enacted."

When the Supreme Court struck down section 5(1), the hon. Minister who was in-charge of Finance at that time came and made an amendment to section 34(1). Later, the Supreme Court held that that was also *ultra vires*, and the result was that 470 cases which had been referred to the Investigation Commission—by that time section 5(1) had to be abandoned—these 470 cases had been taktn up, by the Income-tax Department for being pursued under section 34 of the Indian Income-tax Act. Sir, I want to know what has happened to these cases. We know millions of rupees were involved on each case. Then even worse follows. The Report continues:

> "The third judgment came in December, 1955, when one of the assessees whose case was referred under Section 5(1) and disposed of prior to 17th July, 1954 but after 26th January, 1950, challenged the validity of Section 5(1) with effect from the date of the Constitution. The Supreme Court accepted the assessee's contention and declared Section 5(1) also as **invalid** with effect from 26th January, 1950. Seven hundred and fifty-two cases completed by the Commission on or after 26th January, 1950, under this subsection had thus been affected by the third judgment."

So, I submit, several hundreds of cases which have been settled by the Investigation Commission were taken away from the purview of further action by the Income-tax Investigation Commission This is the situation we find. And what does my hon. friend, Shri Tyagi, say in his report? That is also an equally revealing report and because the hon. Finance Minister has paid a tribute to him, I do not want to do it, but I want to pay a better compliment to him by reading his report. He says in the chapter on "Causes of Evasion" under the heading "absence of deterrent punishment":

> "One important reason for the prevalence of evasion is stated to be that in actual practice no

[Shri V. P. Nayar]

deterrent punishment like imprisonment is being meted out to tax evaders when they are caught. Though the direct taxes Acts provide for prosecution and imprisonment in cases of concealment and false statements in declarations, the Department has not, during the last 10 years, got even a single person convicted for evasion".

Now we are changing the Law. I ask the hon. Finance Minister or his deputy: what is the purpose of having a law with more stringent provisions, if for ten years it has not been possible to prosecute even one single tax-evader or tax-dodger, who goes about with absolute immunity in our country, posing himself as a patriot? You have not been able to touch even a single tax-dodger and take him to a court of law and prosecute him although these provisions existed all these ten years. Then the Report says:

> "It is seen that prior to 1939, prosecutions were being freely resorted to in suitable cases."

Even what the British did, we could not do with a national Government. The report further says:

> "We feel that unless it is brought home to the potential tax-evader that attempts at concealment will not only not pay but also actually land him in jail, there could be no effective check against evasion. At present a tax evader even if caught has only to pay the tax sought to be evaded and a percentage thereof as penalty."

Very little change has been made there. Then the most important suggestion comes:

> "Though the maximum penalty leviable is 150 per cent of the tax sought to be evaded, such a high penalty is rarely levied. Even the moderate penalties levied by the assessing officers are reduced to nominal sums by appellate authorities. Both these factors, the non-resort to prosecution and the non-levy of deterrent penalties have, no doubt, encouraged the growth of evasion."

I submit that tax evasion is increasing, as evidenced by the figures I have given. It is our experience from 1950 to 1960 that not a single person has been prosecuted although there was a provision for doing that. What is the use of the hon. Minister telling us now that they are going to make the provisions more stringent? I would submit with all respect that the Select Committee should seriously think of imposing the penalty of public flogging on these tax-evaders and tax-dodgers who are a discredit to our nation, though they may pose as patriots. It is to the shame of the Government that from the year 1950 to 1960 they have not been able to catch even one tax-dodger and prosecute him under the penal provisions and impose the maximum penalty permissible under the law. The history of the income-tax department is a keenly contested race between the tax-dodgers and tax-evaders, ably assisted by their advisers on the one hand and the income-tax officials on the other, and this race will continue till eternity. The only remedy is to take some more stringent steps. Therefore, I submit in all sincerity that these provisions will have to be changed by the Select Committee. The Select Committee must go into all the details and see that no possible chance is given, no avenue is left for any tax-dodger to escape, by whatever techniques he may try. I also find that several provisions, as they exist now, require drastic revision if we want to plug all the loopholes. I feel that Government have made no serious attempt at all to plug those loopholes. Despite what my hon. friend, Shri Tyagi, has categorically stated in his Report, despite what the Investigation Commission have stated —they have even described the *modus operandi*—I want all of us to consider how the tax has been evaded by some of India's top businessmen and how they can be effectively dealt with.

16.57 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

I also submit that there must be a provision for advertising the names of those people who commit tax evasion. I say that the All India Radio should be used once a week for publicising the names of the tax-evaders. Let them know that their names are going to be made public. There should be no mercy to the tax-evaders. When all of us are asked to tighten our belt so that the Plans can be worked, the tax-dodgers and tax-evaders go about to foreign countries and have private accounts there and make the most out of their money. I am of the opinion that even if we introduce public flogging, most of these tax-evaders will submit themselves to it rather than pay the money. That is the position Even so, let the country know who those people are and that they worship only money.

I find, Sir, that you are becoming impatient and you are about to ring the bell. So, I think I should yield to your desire. I could have very well understood that, if I had gone out of context in one word. I have been confining myself to the point throughout. But I quite realise your difficulty. I could have gone on explaining the provisions and pointing out how they were insufficient in the present context and kept the House engaged for three or four hours. I do not want this House to be again made the subject of ridicule and be put to disrepute as has been done in the past. What the Law Commission says is partially true, as is seen from the attitude of the hon Minister who brings forward this massive piece of legislation two days before it is taken up and wants it to be referred to the Committee after a discussion of one and a half hours. I want that the Select Committee should spare no efforts and leave no stone unturned to go into the minutest details which are necessary and when this Bill emerges from, the Committee, let us hope it will be a Bill which will be worth having.

17 hrs.

Mr. Deputy-Speaker: The discussion will be continued tomorrow. We shall now take up the Half-an-Hour discussion.

Shri N. R. Muniswamy: On a point of order.

Mr. Deputy-Speaker: Discussion on this subject is adjourned.

Shri N. R. Muniswamy: This is very important. I did not want to interrupt the previous speaker.

Mr. Deputy-Speaker: That business is over; we have taken up the Half-an-hour discussion.

Shri N. R. Muniswamy: Shall I raise it tomorrow?

Mr. Deputy-Speaker: Yes.

17.02 hrs.

BEEF SERVED IN ASHOKA HOTEL*

श्री प्रकाशवीर शास्त्री (गुड़गांव) : उपाध्यक्ष महोदय, मैं आज एक ऐसे प्रश्न को इस सदन में उपस्थित करने जा रहा हूं कि जिसे सुनकर प्रत्येक स्वाभिमानी भारतीय का मस्तिष्क लज्जा से झुक जायेगा वह यह है कि भारत सरकार के संरक्षण में आज दिल्ली में अशोक होटल के नाम से जो एक बहुत बड़ा होटल चलाया जा रहा है उसमें गोमांस का बहुत बड़ी मात्रा में प्रयोग होता है। अब से कुछ समय पहले मैंने ४ मार्च, सन् १९६१ को अशोक होटल में गोमांस परोसे जाने के संबंध में एक प्रश्न पूछा था। मेरे उस प्रश्न का उत्तर देते हुये उपमंत्री महोदय श्री अनिल के० चन्दा ने यह उत्तर दिया था :—

"अशोक होटल में ठहरने वाले लोगों में से ९० प्रतिशत विदेशी होते

*Half-an-hour Discussion.

[श्री प्रकाशवीर शास्त्री]

हैं । उनमें से अनेक गोमांस से बने व्यंजन परोसा जाना पसंद करते हैं । ये व्यंजन उन लोगों में काफी लोकप्रिय से हैं । इस लिये अशोक होटल में, दिल्ली के अन्य होटलों की भांति गोमांस से बने व्यंजन परोसे जाते हैं, किन्तु केवल उन्हीं लोगों को, जो उनके लिये आर्डर देते हैं । गोमांस दिल्ली से बाहर के क्षत्रों से प्राप्त किया जाता है । सदा की भांति गोमांस की आवश्यक मात्रा के संभरण के लिये टेंडर मांगे गये हैं । दिल्ली में गोमांस के प्रयोग की न तो सांविधिक रूप से और न कार्यपालिका के किसी आदेश द्वारा मनाही है । इसलिये दिल्ली में किसी भी होटल को इस बात के लिये अनुमति लेने की आवश्यकता नहीं है ।"

मैं कहना इस संबंध में यह चाहता हूं कि आपने इसमें यह कहा है कि ९० प्रतिशत: यात्री जोकि इस होटल में आकर ठहरते हैं, विदेशी होते हैं । अब मेरी जानकारी इस संबंध में यह है कि जिस समय यह होटल आरम्भ हुआ था उस समय यह बात सत्य थी कि इसमें ठहरने वाले विदेशी यात्रियों की संख्या ९० प्रतिशत लगभग थी लेकिन ज्यों ज्यों समय बीतता जा रहा है त्यों त्यों इस होटल में ठहरने वाले भारतीय यात्रियों की संख्या भी बढ़ रही है । लेकिन एक बात देख कर मैं बड़े आश्चर्य में पड़ा कि जब विदेशी यात्रियों की संख्या कम होती जा रही है और भारतीय यात्रियों की संख्या निरन्तर बढ़ती जा रही है तब इस अशोक होटल में गोमांस की खपत धीरे धीरे क्यों बढ़ती जा रही है अपेक्षाकृत इसके कि वह कम होती ।

मैं विशेष रूप से एक और बात पूछना चाहता हूं, थोड़ा इसको बतलाइये तो सही कि जब कोई विदेशी यात्री हिन्दुस्तान आता है, यहां के ऐतिहासिक स्थलों और सांस्कृतिक स्थानोंको देखने के लिये हमारे देश में आता है, तो क्या वहां से यह इरादा करके चलता है कि है कि मैं किसी ऐसे होटल में ठहरूंगा कि जहां गोमांस दिया जायेगा ? दिल्ली के अतिरिक्त अन्य प्रांतों में भी जब उन्हें जाना पड़ता है तो जिन दूसरे प्रांतों में उन्हें जाना पड़ता है क्या उन सब स्थानों में भी उनके लिये गोमांस की व्यवस्था रहती है ?

सब से बड़ी आवश्यक बात जो मैं कहना चाहता हूं वह यह है कि सरकार ने अभी कुछ दिन पहले इस तरह का एक अध्यादेश जारी किया था कि शासन की ओर से जितनी भी बड़ी बड़ी दावतें दी जायेंगीं उनमें शराब के ऊपर प्रतिबन्ध रहेगा । जब शासन इस प्रकार का निर्णय शराब के लिये ले चुका है तब सरकारी संरक्षण में जो होटल चल रहा है उसमें गोमांस का प्रयोग हो यह तो एक बहुत ही हीन और लज्जा की सी बात मालूम पड़ती है ।

एक बात जो मैं उपाध्यक्ष महोदय, विशेष रूप से कहना चाहता हूं वह यह है कि गऊ जहां हमारे भारत की आर्थिक स्थिति का एक बहुत बड़ा आधार है वहां इस बात को कहने में भी मुझे कोई संकोच नहीं है अपितु और गौरव को अनुभव करता हूं कि गाय का धार्मिक दृष्टि से भी हमारे देश का एक बहुत बड़ा स्थान है । गाय के संबंध में ऋग्वेद में एक स्थान पर इस प्रकार से चर्चा आती है :—

"माता रुद्राणां दुहिता वसूनां स्वसा आदित्यानां

अमृताय नाभि : प्रनुवोचंचिकितुषे

जनायं गां अनागां अदिति वधिष्ठा

इन शब्दों द्वारा मैं आपको सुनाना चाहता हूं कि गाय के प्रति आरम्भ से ही इस देशवासियों की वह भावना रही है जोकि एक पुत्र को अपनी माता के प्रति रहती है, एक भाई की अपनी बहिन के प्रति रहती है और एक बाप की अपनी बेटी के प्रति रहती है। नालायक से नालायक बाप भी दुनिया को बुरी दृष्टि से देख सकता है लेकिन अपनी पुत्री को बुरी दृष्टि से नहीं देख सकता। नालायक से नालायक भाई दुनिया को बुरी निगाह से देख सकता है लेकिन अपनी बहिन को बुरी दृष्टि से नहीं देख सकता। नालायक से नालायक पुत्र दुनिया को बुरी दृष्टि से देख सकता है लेकिन अपनी मां को बुरी दृष्टि से नही देख सकता। जो पवित्र दृष्टि एक पुत्र की अपनी माता के लिय है, एक भाई की अपनी बहिन के लिये है और एक पिता की अपनी पुत्री के लिये है, वही पवित्र दृष्टि है, यहां के देशवासियों की गऊ माता के प्रति सदा से रहती हुई चली आई है। इस बात को कहते हुए मैं गौरव अनुभव करता हूं कि गऊ हमारी सांस्कृतिक परम्पराओं का एक बहुत बड़ा आधार है। सन् १८५७ में जब हमारे देश में क्रान्ति की चिंगारी उठी थी तो उस चिंगारी के पीछे जहां और कई कारण थे वहां उनमें एक बहुत बड़ा कारण यह भी था कि भारतीय सिपाहियों ने बंदूकों को हाथ लगाने से इसलिये इंकार कर दिया था कि कारतूसों में गाय की चर्बी का इस्तेमाल किया जाता था। सन् १८५७ के बाद आर्यसमाज के प्रवर्त्तक महर्षि स्वामी दयानंद सरस्वती ने गोकरुणा निधि नामक एक पुस्तक लिखी थी जिसमें कि यह भावना प्रतिपादित की थी कि जिस राजा के राज्य में गऊ का वध होता है उस राज्य के राजा और प्रजा दोनों का विनाश हो जाता है। यह उसमें स्पष्ट भाषा में लिखा था। भगवान तिलक ने भी जब लखनऊ में कांग्रेस का अधिवेशन हुआ था तो उन्होंने स्पष्ट रूप से इस बात की घोषणा की थी कि जिस दिन यह देश स्वतंत्र हो जायेगा तो पांच मिनट में पहली कलम से जो कानून बनाया जायेगा उसमें गोवध के ऊपर प्रतिबन्ध लगाया जायेगा। गांधी जी के सम्बन्ध में मैं जरा विस्तार से कहना चाहता हूं क्योंकि इस देश की शासन सत्ता गांधी जी को अपना एक आदर्श पुरुष मान कर चलती है। गांधी जी ने २५ जनवरी, १९२५ को अपने विचार व्यक्त करते हुए हरिजन में लिखा था कि मेरे विचार के अनुसार गोरक्षा का प्रश्न स्वराज्य के प्रश्न से छोटा नहीं है। कई बातों में तो मैं इसे स्वराज्य के प्रश्न से भी बड़ा मानता हूं। मेरे नजदीक गोवध और मनुष्य वध दोनों एक समान हैं। पीछे एक ऐसा समय भी हमारे देश में आया था जब खिलाफत आन्दोलन की सहानुभूति में भा तीय नेताओं एक बड़ा वक्तव्य दिया। जब उसके बारे में गांधी जी से जाकर कुछ लोगों ने पूछा कि बापू यह प्रश्न तो दूसरे देश का है और खिलाफत आन्दोलन में भारतवर्ष को सहयोग देने के लिये आप क्यों प्ररणा दे रहे हैं तो उस समय गांधी जी ने जो उनको उत्तर दिया था वह ९ अक्तूबर सन् १९२१ को उनके पत्र में इस प्रकार प्रकाशित हुआ था कि मैं मुहम्मद अली की खिलाफत मैय्या का इसलिये साथ दे रहा हूं ताकि वह मेरी गाय मैय्या को बचायें। गांधीवादी सरकार जोकि गांधी जी को अपना आदर्श मान कर चलती है मैं नहीं समझता कि उनके उन शब्दों को क्यों भूल जाती है और आज अशोक होटल में गोमांस के प्रयोग को क्यों नहीं समाप्त कर देती ? मैं नहीं समझता कि इस गांधीवादी सरकार द्वारा अशोक होटल में गोमांस के प्रयोग के ऊपर प्रतिबन्ध क्यों नहीं लगाया जाता ?

अध्यक्ष महोदय, मैं एक बात और कहना चाहता हूं। हमारे देश की सरकार प्रजातंत्र के आधार पर बनी हुई सरकार है और एक प्रजातंत्रीय सरकार का यह नैतिक दायित्व हो जाता है कि वह प्रजा की भावनाओं का

[श्री प्रकाशवीर शास्त्री]

आदर करे । इस देश का एक बहुत बड़ा मत इस ओर है कि गोवध बन्द हो । मैं नहीं चाहता कि इस देश में गोवध हो । जब इस देश की एक बहुत बड़ी संख्या इस प्रकार की है तो प्रजा की भावना को क्यों ठुकराया जाता है । प्रजा की भावना को ठुकराने का अभिप्राय तो यह हुआ कि वह फिर प्रजातंत्र नहीं रह गया क्योंकि जिसमें से प्रजा निकल गयी वह खाली तंत्र रह जायगा । प्रजा उसमें साथ नहीं रहेगी ।

दूसरी बात मैं यह कहना चाहता हूं कि आप प्रजातंत्र की दुहाई देते हैं लेकिन जरा मुगल शासन के ऊपर तो दृष्टि डालिये । कभी जो मुगलकालीन शासक इतने क्रूर माने जाते थे उन्होंने भी सर्वसाधारण की भावनाओं का आदर किया था । आज भी भूपाल के पुस्तकालय में बाबर का वसीयतनामा लिखा हुआ रक्खा है । उसने मरने से पहले अपने पुत्र हुमायुं के नाम जो वसियतनामा लिखा था उसमें दो बातें बाबर ने विशेष रूप से लिखीं थीं । हुमायुं को सम्बोधित करते हुए उसने लिखा था कि अगर भारतवर्ष में तुम अपनी सलतनत को ज्यादा देर तक कायम रखना चाहते हो तो तुम्हें दो काम करने चाहियें । एक तो भारतवर्ष में गोवध को कभी जारी मत करना और दूसरे हिन्दुओं के धर्म मंदिरों को तुड़वाने के लिये कभी प्रोत्साहन मत देना जब मुगल शासकों ने जनता की भावनाओं का आदर किया और उनकी उपेक्षा नहीं की तो यह गांधीवादी सरकार जोकि एक प्रजातंत्र सरकार होने का दावा करती है और आये दिन दुहाई देती है वह प्रजा की इतनी बड़ी भावना की किस प्रकार से उपेक्षा करती चली जाती है ?

मुझे तो यह कल्पना करके कष्ट होता है कि आज कहीं गाधीं जी जीवित होते और अपनी आंखों से नई दिल्ली के इस वातावरण को देखते और देखते कि भारत सरकार के संरक्षण में चलाये जा रहे अशोका होटल में गोमांस का प्रयोग होता है, तो उनकी आत्मा कराह उठती । इस संबंध में मैं आप का ध्यान अपने पड़ौसी देश पाकिस्तान की ओर भी दिलाना चाहता हूं, जहां के लोगों और शासन की भावनायें सांस्कृतिक और धार्मिक दृष्टि से गाय के बारे में हम से भिन्न हैं, लेकिन फिर भी वहां की गवर्नमेंट ने अपने यहां यह नियम बना दिया है कि सप्ताह में तीन दिन गोमांस के भक्षण पर प्रतिबन्ध रहेगा । लेकिन हमारी सरकार की ओर से इस प्रकार के आदेश जारी नहीं किये गये हैं । एक ओर तो हमारी सरकार कहती है कि देश में अन्न की वृद्धि हो और खेती बढ़नी चाहिये, लेकिन दूसरी ओर इस गांधीवादी सरकार के द्वारा देश में गोमांस के भक्षण को प्रोत्साहन दिया जा रहा है । मेरी समझ में नहीं आता कि इस सरकार के द्वारा उन भावनाओं को प्रोत्साहन क्यों नहीं दिया जाता है, जो कि इस देश की संस्कृति और परम्पराओं के अनुरूप हैं ।

मुझे और भी आश्चर्य होता है कि सरकार गोमांस संबंधी आंकड़ों को छिपाना क्यों चाहती है । इस सदन में १६ फरवरी, १९६१ को यह पूछा गया कि हमारे देश में गोमांस का उत्पादन और खपत कितनी होती है । उस प्रश्न का उत्तर देते हुये उपकृषि मंत्री, श्री कृष्णप्पा, ने कहा कि मीट मार्केटिंग संबंधी रिपोर्ट (१९५५) के अनुसार १९४९ में इस देश में गोमांस के उत्पादन और खपत की मात्रा ९५,८४७ टन थी, लेकिन साथ ही उन्होंने यह भी कहा कि १९४९ के बाद से देश में गोश्त के उत्पादन और उसकी खपत के बारे में कोई सर्वेक्षण नहीं किया गया है और इस लिये हमने कोई आंकड़े नहीं रखे हैं । इसका सीधा मतलब यह है कि देश की भावनाओं को ध्यान में रखते हुये सरकार इन आंकड़ों को छिपाना चाहती है, क्योंकि वह जानती है कि जब देश की जनता इन आंकड़ों को देखेगी, तो सरकार के खिलाफ उसकी भाव

नायें उभरेगी और इसीलिये १९४९ के बाद के कोई आंकड़े नहीं रखे गये हैं।

जहां तक अशोका होटल के संबंध में आंकड़ों का प्रश्न है, मैं माननीय मंत्री जीको इसके लिये तो धन्यवाद देता हूं कि जब तीन दिन पहले मैंने उन से इस संबंध में जानकारी लेनी चाही, तो उन्होंने बड़ी शीघ्रता से वह जानकारी उपलब्ध कराई। इसके लिये मैं उन के और उनके विभाग का आभारी हूं। यों तो अशोका होटल अक्तूबर, १९५६ से काम कर रहा है। वहां के पुराने आंकड़ों को छोड़ कर मैं अपेक्षतया हाल ही के आंकड़े आप के सामने रखना चाहता हूं।

१९५८–५९ में अशोका होटल में १४,३८० रुपये, १९५९–६० में १५,७३९ रुपये और १९६०–६१ में १७,९८८ रुपये के गोमांस की खपत हुई। इसके अतिरिक्त इन तीन सालों में वहां पर गाय की २,४१६ जीभें मंगाई गईं, जिन की कीमत २,०१८ रुपये थी। इस प्रकार बोंज आदि की कीमत सम्मिलित कर वहां पर कुल मिला कर ५१,६२१ रुपये के गोमांस की खपत हुई। अगर इसी अनुपात से पिछले वर्षों के आंकड़े भी जोड़े जायें, तो मेरा अनुमान है कि अब तक अशोका होटल में लगभग एक लाख रुपये के गोमांस की खपत हो चुकी है, जो कि हमारे देश के लिये एक लज्जा की बात है।

मैं यह भी निवेदन करना चाहता हूं कि हमने सम्राट अशोक को अपने राज्य का आदर्श माना है। उसके चक्र को हमने अपने राष्ट्रीय ध्वज में स्थान दिया है, उसकी मुहर को राज्य की मुहर में स्थान दिया है और, उपाध्यक्ष महोदय, उसका आदर्श वाक्य, "धर्मचक्र प्रवर्तनाय" इस सदन में आप के मस्तक के ऊपर बिजली के अक्षरों में चमक रहा है। लेकिन यह कितने दुख की बात है कि जिस अशोक को हम स्थान स्थान पर आदर्श मान कर चले हैं, उसके नाम पर जो होटल सरकार के द्वारा चलाया जा रहा है, उसमें गोमांस का प्रयोग किया जाये। यदि आज से दो बरस बाद कोई शराब की दुकान खोले और उसका नाम "गांधी मदिरालय" रख दे तो उससे जितना कष्ट हमको होगा, उतना ही कष्ट आज अशोका होटल में गोमांस का प्रयोग देख कर होता है। इस अवस्था में तो उसका नाम औरंगजेब होटल रख दिया जाये, तो ठीक होगा।

उपाध्यक्ष महोदय : तारीख में लिखा है कि औरंगजेब शराब नहीं पीता था।

श्री प्रकाशवीर शास्त्री : उपाध्यक्ष महोदय, मैं तो आज गोमांस के प्रकरण में ही चर्चा कर रहा हूं।

अन्त में यह कह कर मैं समाप्त करूंगा कि हमारे हिन्दू धर्म शास्त्रों में एक पौराणिक कथा आती है कि जब कोई आत्मा स्वर्ग में जाये, तो उसको गाय की पूंछ को पकड़ कर पहले वेतरणी नदी को पार करना पड़ता है। उस वेतरणी नदी के विषय में सब ने सुना हुआ है, किन्तु देखा नहीं है, लेकिन एक वेतरणी यहां भी है, जिस को सबने देखा सुना है। मेरा तात्पर्य यह है कि हर पांच साल के बाद निर्वाचन की जो वेतरणी आती है, हमारे कांग्रेस के मित्र गाय के सन्तान बैलों की पूंछ पकड़ कर उस वैतरणी को पार करते हैं। इसलिये उन के लिये यह उचित है कि वे देश में गोवध को बन्द करायें और अशोका होटल में गोमांस के प्रयोग और प्रचलन पर प्रतिबन्ध लगायें।

श्री जगदीश अवस्थी (बिल्हौर) : उपाध्यक्ष महोदय, क्या माननीय मंत्री जी को मालूम है कि बहुत से राज्यों में बहुत से स्थानीय निकायों ने यह कानून बना रखा है कि उन के यहां गोवध नहीं हो सकता है और इसी प्रकार दिल्ली के स्थानीय निकायों का भी यह कानून है कि यहां पर गोवध नहीं हो सकता है, जिस का अर्थ यह है कि यहां पर गोमांस का प्रयोग न किया जाये और लोगों की धार्मिक भावनाओं पर आघात न किया जाये? स्टेट्समैन के द्वारा टेंडर मांग कर, कलकत्ता से गोमांस मंगा कर और अशोका होटल में उस का

[श्री जगदीश अवस्थी]

प्रयोग करके क्या सरकार यहां के स्थानीय निकायों के उन कानूनों की आत्मा को ठेस नहीं पहुंचा रही है ? क्या सरकार इस बात पर विचार करेगी कि देश में इस प्रकार का कानून बने कि गाय, बकरी आदि जितने भी दूध देने वाले जानवर हैं, उनका वध न किया जाये, क्योंकि इससे देश को आर्थिक दृष्टि से लाभ होगा ।

मैं चाहूंगा कि माननीय मंत्री जी इन प्रश्नों का उत्तर दें ।

श्री बलराज मधोक (नई दिल्ली) : जहां तक गोवध का संबंध है, उसका हमारे देश की आजादी के साथ निकट का संबंध रहा है । माननीय मंत्री जी जानते होंगे कि जब यहां अंग्रेजों का राज्य था.....

उपाध्यक्ष महोदय : हाफ-एन-आवर डिस्कशन में माननीय सदस्य सिर्फ सवाल ही कर सकते हैं ।

श्री बलराज मधोक : मैं सवाल ही पूछ रहा हूं ।

उस समय जितने भी देशी राज्य थे, अंग्रेजों के साथ उनकी जो संधियां होती थीं, उनकी पहली शर्त यह होती थी कि हमारे राज्य में गोवध नहीं होगा । जब पारसी गुजरात में आये, तो उनके सामने पहली शर्त यही रखी गई कि आप रहें, लेकिन यहां पर गोवध नहीं होगा । इसी प्रकार महाराजा रणजीत सिंह के यहां जो फ्रेंच आफिसर्ज थे, उनके साथ भी यही शर्त थी कि गोवध नहीं किया जायगा । मैं यह पूछना चाहता हूं कि जब इस देश में गोवध का न होना आजादी का प्रतीक और निशानी रहा है, तो फिर आजाद भारत में गोवध चलता रहे, यह कहां तक उचित है ।

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): Mr. Deputy-Speaker, it will be helpful to me if I ask the hon. Member, Shri Prakash Vir Shastri who has raised this discussion to let me know when he said 'shameful' whether he dislikes the serving of beef to customers of the Ashoka Hotel on religious grounds or on economic grounds. It is not clear from what he said.

Mr. Deputy-Speaker: On both grounds, he said.

Shri Anil K. Chanda: The facts are these. So far as the municipal bye-laws are concerned, the slaughter of cattle, cows, is prohibited. And the other fact is that all hotels which serve international clientele serve beef. Ashoka Hotel is one of such hotels. And, as such, it serves beef to such customers as call for it. It is not as if it is a part of the normal menu of the Hotel. But it is available and anyone who would like to have it could have it.

You are aware, Sir, that there are certain types of food which are very popular with western people. Beef-steak, for instance, is a very popular item of diet in the daily menu of the western people.

With regard to the economic aspect, I would first like to refer the hon. Member to a very big debate we had had in this House when he was not a Member here on a Bill moved by Seth Govind Dasji for the protection of cows. I believe it was the only occasion when the Attorney-General was called upon to give his opinion on the legal aspect of a proposed law, whether prohibition of the slaughter of cattle was permissible under the law. And, the Prime Minister also intervened in that debate.

I would like to refer to the opinion which was given by the Attorney-General on the Indian Cattle Preservation Bill. His categorical opinion was that it was not within the competence of the Central Government to pass a law prohibiting the slaughter of cattle. It was a State subject and it was for the States themselves to

decide whether they would have it or not?

A committee was appointed by the Government of India to enquire into the steps to be taken to prevent killing of milch cows; and the report was submitted in 1955. The report says:

> "All those who advocate the imposition of a total ban on slaughter do not make any reference to the limited resources of the country. If the slaughter of cattle is banned India will have to face the problem of wild cattle."

There were also cases before the Supreme Court and the Supreme Court gave the judgment that a total ban on the slaughter of the she-buffaloes, bulls, bullocks, after they cease to be capable of yielding milk or of breeding or working as draught animals cannot be supported as reasonable in the interest of the general public. Similarly, in 1960, in another judgment the Supreme Court said that it would tantamount to interfere with the Fundamental Rights of citizens—that is, with regard to the prohibition of the slaughter of cattle.

The hon. Member stressed the importance of cattle in an agricultural economy such as ours. Supposing, for argument's sake, there was a total ban on the slaughter of cattle and the importation of tinned beef was permitted, would he object to that? That will not affect the economics of this country, so far as agricultural production is concerned. But his Hindu conscience and not economics, has come into play. It is on the basis of his Hindu conscience that really he bases his arguments. The pith and substance of his motion, I would say, is that the Hindu conscience is stirred by the fact that beef is served in a hotel which is almost entirely Government-owned. As an orthodox Hindu he feels that his religion prohibits the sale or eating of beef and therefore he feels that it must be prohibited.

I submit, Sir, that a large section of our people belong to another religion according to the tenets of which pig's meat is prohibited. There are also large sections of our people for whom killing of any animal of any sort is prohibited. So, it comes to this. If we are going to have any hotels, we cannot supply beef because Hindu conscience is disturbed; we cannot for a similar reason serve pig's meat—whether it is ham or pork or bacon or anything else. Similarly, to save Jain conscience, we cannot supply any meat whatsoever. I do not know if the hon. Member would go that far. Then, if you take into account the researches of J. C. Bose, plant world also has got life. Therefore, we will have to go without any food whatsoever. I think it would be wrong on our part to be moved by sentiment, in these things. He is a very great scholar in Hindu Shastras and Sanskrit. I do not know any Sanskrit and all the Hindu Shastras which I have read are through Bengali. Only today I looked up an authoritative translation of Mahabharata in Bengali and I find that there is reference, in several places, to ancient rishis eating beef. I am told that there is one word in Sanskrit—*Goghana*—a guest for whom cattle is slaughtered.

Shri Bal Raj Madhok: He is wrong there.

Shri Anil K. Chanda: I may be wrong; I have already said that I do not claim to know Sanskrit well. But this is what I have read in Bengali books by one who is considered a very considerable scholar in Sanskrit and in Hindu Shastras.

श्री प्रकाशवीर शास्त्री : उपाध्यक्ष महोदय, मैं माननीय मंत्री जी से निवेदन करना चाहता हूं कि वह जिस शब्द के बारे कह रहे हैं, उसको हमारे यहां संस्कृत में "गोघन अतिथि" करके लिखा हुआ है।

[श्री प्रकाशवीर शास्त्री]

यहां पर "गोघ्न" का अभिप्राय "वाणी" से है। यानी अगर किसी के यहां कोई अतिथि आये तो उसके आने में वाणी को नम्र करके बोला जाय।

जब किसी के यहां कोई अतिति, प्रणी जाता है तो उसके स्वागत के लिए वाणी को नम्र किया जाता है, उसके लिए यह आया है। इसका अभिप्राय गाय मारना नहीं है। इसका अभिप्राय अतिथि से है जिसके स्वागत के लिए वाणी को नम्र बनाया जाता है।

उपाध्यक्ष महोदय : वह यह कह रहे हैं कि किसी बंगाला स्कालर ने उसका तर्जुमा दूसरी तरह से किया है।

Shri Anil K. Chanda: It is one scholar pitted against another scholar. Anyway we are not really bothered much about what is in the Shastras; we are dealing with the facts of today. It is a fact that a large percentage of our people do take beef. The poorer sections of the Muslim community take beef because it is about the cheapest meat. I submit that it will tantamount to interference in heir Fundamental Rights if we are to prohibit the use of beef.

So far as the hotel is concerned, the position is very clear. It is a Government hotel; and we do not claim any special privileges because it is a Government hotel. But I submit that we should not be put to any special difficulty only because it happens to be a Government hotel. We are not having a monopoly business; we are competing with other hotels. A lot of Government money has gone into it and therefore it has got to be run smoothly and efficiently.

The hon. Member referred to the rise in the consumption of beef in the hotel. The rise has not been of any considerable amount because the hon. Member has forgotten that in the beginning, in the earliest period, we had hardly 80 clients a day. Today we are having about 340. Naturally, with a larger number of clients in the hotel, the consumption of beef will also go up. But that is nothing when compared to the increase in the consumption of other types of meat like mutton or poultry. In 1958-59 the cost of beef purchased by the hotel was Rs. 15,840; in 1959-60, it was Rs. 17,120 and in 1960-61, it was Rs. 19,659. If you take into consideration the growing popularity of the hotel and the larger number of people who are coming to this hotel—very often the accommodation in the hotel is absolutely full to the brim—it is a very small increase.

The hon. Member in his notice to you, had said that because of the use of beef in the hotel, the sale of beef in other hotels in Delhi has gone up. I do not know how the hon. Member has collected the statistics. I myself have failed to collect the statistics in spite of the Governmental agencies whose help I sought in this matter. I think it is just a surmise on the part of the hon. Member to say that because in the Asoka Hotel beef is supplied the sales of beef in Delhi as a whole have gone up. Before the Asoka Hotel was started, there were other hotels in Delhi who supplied beef. It is nothing very unusual or new.

Then the hon. Member referred to Government parties. He asked whether in Government parties wine is not used and whether beef is also prohibited. So far as Government parties are concerned, just as wine is not served, similarly no beef is served. Beef is an item in the menu which is supplied only when specially ordered by the client.

Dr. M. S. Aney (Nagpur): Why did they stop wine here?

Shri Anil K. Chanda: Under the law in Delhi, you cannot supply wine to guests in public rooms.

Dr. M. S. Aney (Nagpur): Why did they make this law in Delhi?

Shri Anil K. Chanda: As I said, the law cannot satisfy all opinions. In law, we have no right really to prohibit the use of beef. The State can pass a law prohibiting the slaughter of cattle, but that does not mean that because there is a ban on the slaughter of cattle there is an automatic ban on the eating of beef. I pose this question: suppose we start importing beef—frozen beef or tinned meat—from Australia, then the law prohibiting the slaughter of cattle cannot really stop that.

So far as intoxicating liquor is concerned, you are aware that under the law of the Delhi State, a special permit is required if a foreigner has to consume intoxicating drinks in public rooms, and that drink is also kept only in his own room. The Asoka Hotel is run exactly on the same principles and under the same rules as other hotels, quite a few of which are in Delhi. So, I submit that only because Asoka Hotel happens to be a Government hotel, it should not be put to any special difficulties. The rules and the laws are the same as for other hotels. The Asoka Hotel will carry on the work in the same manner as other hotels are carrying on.

17.29 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, April, 28, 1961/Vaisakha 8, 1883 (Saka).

[*Thursday, April 27, 1961/Vaisakha 7, 1883 (Saka)*]

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4006	Employment Exchange Office at Basti .	14103–04
4007	Employees Provident Fund . . .	14104
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4033	Service Rolls of the Work-charged staff of C.P.W.D.	14117–18
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4035	Shopping centres in Andrews Ganj Colony, New Delhi	14118–19
4036	Plant for manufacture of 'mixolin' in U.P.	14119
4037	Export of iron ore from Vishakha patnam	14119–20
3038	Small Scale Industries in Vishakhapatnam	14120
4039	Production of coconut	14120
4040	Small Scale Industries	14121
4041	Co-operative Educational Film	14121
4042	Industrial Estates	14121–22
4043	Circulation of Newspapers and Periodicals	14122–23
4044	Hindi knowing officers in External Affairs Ministry	14123
4045	Hindi classes in Indian Mission Abroad	14123–24
4046	Government Advertisements for language papers in Kerala	14124
4047	Working hours of the Khadi and Gramodyog Bhavans in New Delhi	14124–25

MOTIONS FOR ADJOURNMENT . . . . 14125—29

The Speaker withheld his consent to the moving of three adjournment motions given notice of by Sarvashri Tridib Kumar Chaudhuri, Aurobindo Ghosal; Prabhat Kar: Tangamani and Braj Raj Singh regarding the failure of electricity in Calcutta due to the break-down of D.V.C.'s Thermal Power Station at Durgapur.

PAPERS LAID ON THE TABLE 14129–30

(1) A copy each of the following papers :

(i) Annual Report of the Hindustan Insecticides Limited for the year 1959-60, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of Section 639 of the Companies Act, 1956.

(ii) Review by Government of the working of the above Company.

(2) A copy of Notification No. G.S.R. 537 dated the 17th April, 1961, under sub-section (6) of Section 3 of the Essential Commodities, Act, 1955.

COLUMNS

MINUTES OF ESTIMATES COMMITTEE—LAID ON THE TABLE 14130

Minutes of evidence given before the sub-committee of the Estimates Committee on Public Undertakings and Minutes of the sitting of the Estimates Committee relating to Hundred and twenty-fifth Report.

STATEMENT BY MINISTER 14130–34

The Deputy Minister of Planning and Labour and Employment (Shri L. N. Mishra) made a statement on the accident in the east Kajora colliery near Asansol on the 22nd April, 1961.

BILL INTRODUCED . 14135

The Orissa Appropriation (No. 2) Bill, 1961

BILL PASSED . 14136–14233

Further discussion on the motion to consider the Legal Practitioners Bill, as reported by the Joint Committee concluded and the motion was adopted. After clause-by-clause consideration the Bill, as amended, was passed.

COLUMNS

MOTION TO REFER BILL TO SELECT COMMITTEE—UNDER CONSIDERATION . . . 14234–72

The Minister of Finance (Shri Morarji Desai) moved for reference of the Income Tax Bill, 1961 to a Select Committee. The discussion was not concluded

HALF-AN-HOUR DISCUSSION 14272–88

Shri Prakash Vir Shastri raised a half-an-hour discussion on points arising out of the answer given on the 4th March, 1961 to Starred Question No. 548 regarding beef served in Ashoka Hotel.

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda) replied to the debate.

AGENDA FOR FRIDAY, APRIL 28, 1961/VAISAKHA 8, 1883(SAKA)—

Consideration and passing of the Orissa Appropriation (No. 2) Bill, 1961; further discussion of the motion to refer the Income-Tax Bill, 1961 to a Select Committee; and consideration of the Private Members' Resolutions